മിസ്റ്റർ കെ. എ. രാഘവൻ: ഇതിനുമുമ്പ് അവർ എത്ര റാത്തൽ വീതം വാങ്ങിയിട്ടുണ്ടെന്നു് അന്വേഷിച്ചിട്ടുണ്ടോ?

മിസ്റ്റർ പി. ഗോവിന്ദമേനോൻ: നോട്ടീസ്സുവേണം.

മിസ്റ്റർ കെ. എ. രാഘവൻ: വ്യ റാത്തൽ പഞ്ചസാര വാങ്ങിച്ച മിസ്റ്റർ ഗണേശമേനോൻ എന്നു പറയുന്ന ആൾ എവിടത്തുകാരനാണു്?

മിസ്റ്റർ പി. ഗോവിന്ദമേനോൻ: പേർ കേട്ടിട്ടു് അയാൾ ചിറ്റൂർ താലൂക്കുകാരനാണെന്നു തോന്നുന്നു.

മിസ്റ്റർ കെ. എ. രാഘവൻ: എറണാകുളത്തു് ഒരു ഗണേശമേനോൻ ഉണ്ടു്, അദ്ദേഹമാണോ?

മിസ്റ്റർ പി. ഗോവിന്ദമേനോൻ: അറിവില്ല.

2. House Committee—Members—Announcement of

Mr. President: I have received three nomination papers in time for three members to be elected to the new House Committee. They are (1) Mr. K. S. Panicker, (2) Mr. K. A Raghavan and (3) Mr. M. K. Raja. Only 3 nomination papers were received and therefore these 3 Hon'ble Members are declared elected to the House Committee. In this connection I also wish to announce that I have nominated Mr. P. Kumaran Ezhuthassan as a Member of the House Committee.

3. Motion for Adjournment—Holding of a special meeting at Midnight of 14th August

Mr. President: There is an adjournment motion received from Mr. Kumaran Ezhuthassan as follows.—

"Under S.O. 13(1) I seek leave for the adjournment of the business of the House to discuss an urgent matter of public importance to wit to request the Government to arrange to hold a special meeting of the Cochin Legislative Council ot midnight of the 14th August, zero hour of 15th August whereat the Instrument ef Accession signed by His Highness the Maharaja will be read to the Council and the Members of the Council will take the new oath of allegiance to His Highness the Maharaja and the country (Mother India) into the Union of which Cochin has voluntarily joined as an equal partner".

Evidently, this adjournment motion, as rules now stand, cannot be admitted under section 24 of the Act, but have the Government anything to say about it?

Rao Sahib A. Madhava Prabhu *(Chief Secretary to Government)*: Government will consider the purpose of the Adjournment Motion.

Mr. President: The motion itself is not admissible because of the prohibition under section 24 of the Act.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: The Hon'ble Secretary to Government has promised to fully consider the question, and that being the purpose of this Adjournment Motion, that is achieved without any dislocation of the business of the House.

4. Token motion under Medicine

Rao Bahadur T. K. Nayar *(Minister for Public Health)*: I move for a token motion of Re. 1 to transfer Rs. 6,753—1—5 from savings under "Cost of medicines". It is intended for the purchase of a lorry for the transport of medicines in time to the various medical institutions in the State from the Central Store at Ernakulam. We are finding it, Sir, very difficult to book them through rail and at times we are not able to supply medicines to the Hospitals in the rural areas. So this lorry is intended for the transport of medicines to such hospitals in time. I request that this transfer may be allowed.

Motion put and carried.

5. Legislative Business—Government bills

(1) The Cochin Prohibition Bill

Rao Bahadur T. K. Nayar *(Minister for Public Health)*: Sir, I move that the Cochin Prohibition Bill be read in Council.

Mr. P. Govinda Menon *(Minister for Food and Education)*: I second it.

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Rao Bahadur T. K. Nayar *(Minister for Public Health)*: I do not think any elaborate explanation is necessary on this point. The House fully knows that a Committee has been appointed by the Government to go into this question and a report has been submitted by the Committee. As a first step towards introduction of total prohibition in the State, Government have decided to introduce prohibition in Chittur Taluk from 1st October. The Bill is intended to implement this decision and is adapted on the lines of the Madras Prohibition Bill. I request that the House may be pleased to pass the Bill.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Mr. President, it is stated in the objects and reasons for the Bill, that it is proposed to introduce prohibition in the year 1123 in the Chittur Taluk as an experimental measure. That puts us under some enquiry, a necessary inquiry. If it is found that it is not workable for this reason or for that reason are you going to give it up? One other point on which information is sought, Sir, is whether you are going to place the Bill before a Select Committee. I seek light on these two points.

Rao Bahadur T. K. Nayar *(Minister for Public Health)*: At present there is no such idea, unless the House is very particular. As prohibition is going to be introduced from 1st October, I do not think there is time to refer this to a Select Committee and Government do not think it necessary because it is an adaptation of the Madras Bill with a few changes to suit our requirements. This Bill has been working in the Madras Province for the last so many years. Regarding the word "experiment" there is no such meaning as the Member put it. It is only an answer to a probable question, why it was not introduced in the other taluks also immediately. We have to study the various problems connected with this subject. We are quite new to it. This House will remember that some years ago we tried some sort of prohibition in Chittur Taluk, in Nemmara, and it was given up by Government saying that it was a failure. This Government do not want to give it up on that plea. We must study the various aspects of this question and Chittur being a small area, we thought it would be advisable to have the experiment there first, study the various aspects of the question, and then slowly extend it to other areas so that it may not be a failure. That is the only idea.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Mr. President, my query about the significance of "as an experimental measure" has been answered and there is absolutely no fear that the experiments started in Chittur is going to be given up. As far as the idea of sending this Bill to a Select Committee, the Hon'ble Minister said that in as much as, and rightly too, the Government have decided to start prohibition in the Chittur Taluk as a first step from the 1st October, there is no time to send this Bill to a Select Committee. I am sorry, Sir, that such view is taken of this matter. In the first place the plea that there is no time cannot stand because there is time. We are on the 12th of August and to the 15th of October, it is a good way off. That cannot be an excuse for rushing through a Bill, the implications of which are far-reaching indeed. In the first place you are launching upon a scheme to be worked in the best interests of the masses by introducing effective measures to see that they are taken away from the habit of drink. That is a laudable thing. In achieving that end, you have embodied in this Act various provisions. I shall start from the Preamble. The Preamble reads like this:—

"Whereas it is expedient as early as possible to bring about the prohibition, etc. etc."

You have made an exception there which of course is amplified in Chapter III. Now the question will arise whether the exceptions made there are ample or the other way, the exceptions made there are too many. Whether all that is mentioned there in the Preamble as also in Chapter III should be embodied in the exception list, or more should be added. This is a matter on which serious thought will have to be bestowed. Then again, Sir, penalty clauses. We have got mainly sections 4 and 10. Section 4 deals with Prohibition and penalties. On page 5 of the printed book we find: "In the case of an offence falling under clause (*b*), clause (*f*), clause (*g*), clause (*h*) or clause (*i*) or an offence falling under clause (*k*) in so far as it relates to an act specified in any of the clauses aforesaid with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both". The question will arise in this matter whether the penalty should be something more or whether the penalty prescribed here is anything excessive. That is a matter which has again to be examined by persons who know how to examine such questions.

Then one other important thing. There is clause K of section 4(1) reading "Whoever allows any of the acts aforesaid upon premises in his immediate possession shall be punished,"

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[Mr. P. Kumaran Ezhuthassan]

"Allows" has got a meaning, a very clear meaning. It need not be commented upon. When we come to Clause 2 of section 4. "It shall be presumed until the contrary is shown, that the person accused of any offences under clauses (*a*) to (*f*) of sub-section (1) has committed such an offence. That sub-clause (*b*) of clause 2 of section 4 read along with the word, the opening word of clause (*k*) itself "whoever allows, voluntarily allows any of the acts aforesaid upon premises in his immediate possession shall be punished". It shall be presumed until the contrary is shown., that a person accused of any offence under clause (*k*) of sub-section (1) has committed such offence till the contrary is shown. To illustrate:—A allows B or C or others to commit an offence enumerated as (1) (*a*) to (*j*) it is laid down that A should be punished. All will agree that he should be punished. Thus far all right. But to presume that he has committed that offence till the contrary is shown, *i. e.*, proof of innocence by the accused, is something like putting the cart before the horse. The presumption ought to be the other way. The prosecutor has to show that A has allowed others to commit the offences. Otherwise the word "allow" in (*k*) has no significance or meaning. Like that many other things appear in various parts of the Act.

Again the powers and duties of Officers enumerated in Chapter V. Whether the powers and duties enumerated there are sufficient or whether they are excessive should be looked into. I only general observations because there are various provisions which empower the officers make concerned with extra-ordinary powers. I am not fighting against them that they should not be invested with powers but whether the powers granted are sufficient in the first place or excessive in the second place, if it is one or the other, what is the adjustment that is to be made. These are things to be examined by a competent body and therefore when the Government says because of shortness of time they have not thought it necessary to send it to a Select Committee it is a position which should be revised. They should be pleased to send it to a Select Committee with directions to report in such time that you will be able to work it on the day on which you want to work it out. That is a suggestion that I would place before the authorities, before the Government and before the Hon'ble Minister for serious consideration and appropriate action.

Mr. M. O. Thomakutty *(Commerce and Industry):* On a point of information. May I know, Sir, whether the Committee has submitted a report as to what will be the preliminary expenses, if we introduce prohibition.

റാവു ബഹദൂർ ടി. കെ. നായർ: ഇതു permanent ആയിട്ടുള്ളതാണെന്നായാണ്. പക്ഷെ experimental ആയിട്ടാണ് ഇപ്പോൾ ചിറ്റൂർ താലൂക്കിൽ കൊണ്ടുവന്നിട്ടുള്ളതു്.

മിസ്റ്റർ എം. ഒ. തോമക്കുട്ടി: ഇതിനെത്ര ചിലവു വരും?

റാവു ബഹദൂർ ടി. കെ. നായർ: ചിറ്റൂർ താലൂക്കിൽ ൫൦,൦൦൦ രൂപയിൽ കൂടുതൽ ചിലവു വരുകയില്ല.

മിസ്റ്റർ എം. ഒ. തോമക്കുട്ടി: ചിറ്റൂർ താലൂക്കിൽതന്നെ ൫൦,൦൦൦ രൂപ ചിലവു വരുമെന്നു പറഞ്ഞല്ലോ, കൊച്ചീരാജ്യത്തൊട്ടാകെ എന്തു ചിലവു വരും?

റാവു ബഹദൂർ ടി. കെ. നായർ: ഇതിനുവേണ്ടി നിയമിച്ചിട്ടുള്ള കമ്മിറ്റിയുടെ റിപ്പോർട്ടിൽ പറഞ്ഞിട്ടുണ്ടു് ഇതിന്റെ ചിലവെല്ലാം. ഇതുമൂലം ൩൦ ലക്ഷം രൂപ ഗവൺമെണ്ടിനു നഷ്ടം വരുന്നുണ്ടെന്നും, അതിന്റെ മറവു ചിലവുകൾക്കു ൫൦ ലക്ഷം രൂപയോളം വേണ്ടിവരുമെന്നും, അങ്ങിനെ ൭൦ ലക്ഷം രൂപ ഇതിന്റെ നടത്തിപ്പുകൊണ്ടു ഗവൺമെണ്ടിനു നഷ്ടം വരുമെന്നും, അതു നികത്തുവാനുള്ള വഴി ഇന്നതൊക്കെയാണെന്നും കമ്മിറ്റിയുടെ റിപ്പോർട്ടിൽ പറഞ്ഞിട്ടുണ്ടു്. കൊച്ചീരാജ്യത്തു പ്രോഹിബിഷൻ നടപ്പാക്കിയാൽ എത്രലക്ഷം രൂപ ചിലവുവരും എന്നുള്ളതിന്റെ ഒരു ഉദ്ദേശമാണു് പറഞ്ഞതു്. കൃത്യമായി പറയണമെങ്കിൽ അതു നടപ്പിൽ വരുത്തിയശേഷമേ പറയാൻ സാധിക്കുകയുള്ളു.

മിസ്റ്റർ എം. ഒ. തോമക്കുട്ടി: ഏതാണ്ടു് ൫൫ ലക്ഷത്തോളം രൂപ കൂടുതൽ ചിലവു വേണ്ടിവരുമെന്നു ഗവൺമെണ്ടിനു വിചാരമുണ്ടോ?

റാവു ബഹദൂർ ടി. കെ. നായർ: ഇതു നടത്തണമെന്നു തീച്ചയാക്കിയാൽ പിന്നെ ഇതിന്റെ സപ്ലചിലവുകളും ഗവൺമെണ്ടു വഹിക്കണം.

മിസ്റ്റർ എം. ഒ. തോമക്കുട്ടി: ഇതു നടത്തണമെന്നു തീച്ചയാക്കിക്കഴിഞ്ഞുവോ എന്നാണു ഞാൻ ചോദിക്കുന്നതു്.

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റാവു ബഹദൂർ ടി. കെ. നായർ : പ്രോഹിബിഷൻ വേണമെന്നു് ഇവ നിയമസഭതന്നെ തീരുമാനിച്ചുകഴിഞ്ഞതാണു്. ഇതൊന്നും സ്വകാര്യമായിട്ടുള്ള കാര്യമല്ല; പുതിയ വർത്തമാനവുമല്ല.

Mr. S. S. Koder *(Nominated)*: Mr. President, Sir, I rise to oppose this Bill. In doing so, I am fully conscious of the fact that mine may be the solitary voice to oppose. But I am sure that there are many members in this House who think and feel like me. I am supplying the members with whisky. Even today I have given them. But for some reason or other, they are either afraid or have not the courage to rise and oppose this Bill.

Sir, in the Bills that are introduced in this House, the reasons and the absolete necessity for introducing the same will be always mentioned, but in this Bill, what is stated is.—It has been decided to introduce prohibition in the Chittur Taluk in the year 1123 as an experimental measure. The Bill is intended to implement this decision and is adapted on the lines of the Madras Prohibition Act. Provision is made in the Bill for bringing the same into force in any local area.

Rao Bahadur T. K. Nayar *(Minister for Public-Health)*: That contains everything.

Mr. S. S. Koder *(Nominated)*: Our Finance Member has rightly said in his speech that we are taking a plunge and he is right, but the plunge may be so serious that we may very soon break our necks.

The Bill again, Sir, is not an outcome of a national demand, nor has it any historical sanction behind it.

Mr. C. S. Panicker *(Adur)*: It is a national demand.

Mr. S. S. Koder *(Nominated)*: We don't demand it. Drinking is at least as old as the Bible, for the Bible says: "wine gladdens the heart of man". Even in our own country, the Brahmins of old freely indulged in it and even offered it to the deities. What is therefore acceptable to God cannot but be acceptable to man. Even when Almighty God found that man was corrupt and when he wanted to destroy the whole world with a huge deluge, there was only one man who was righteous, I refer to Noch, even he was addicted to drink. Now Sir, unfortunately the Minister for Prohibition is the Minister for Public Health. If you read his reports about public health, you will find that there are thousands of cases of death due to typhoid, malaria and other allied diseases, but not a single case of death due to drink! I challenge the Minister to prove otherwise.

Rao Bahadhur T. K. Nayar. *(Minister for Puhlic Health)*: I accept it.

Mr. S. S. Koder *(Nominated)*: You accept it. That is good. I concede that alcohol is a poison, when taken in over-doses. But in this sense, anything that goes into the mouth of men like jilabies, laddus are all poison. This is what an eminent doctor, Dr. Jacoby. says "My own experience is that in the worst cases of sepsis, dyphtheria, cerebral fever, alcochol in the largest doses furnishes the only salvation". Then again, the Royal Society of Medicine, London, published that alcohol has a value as a food as well as a value as a drug, yielding energy to the body, practically immediately after its use, taking the place of an equivalent of starch or fat in this action. Another eminent doctor, Dr. Waky, M. D. says: "alcohol in moderation is necessary in old age for many reasons. We must not forget that it is a law universally acknowledged that every one has the legal right to do anything that may be necessary to preserve his or her own life". And coming to a recent statement of Bernard Shaw, this is what he says; although he is a vegetarian, a tee-totaller and non-smoker he does not attribute his long life to obstenieus habits asserting that mankind can live on anything; a diet of large cigars and plenty of whisky is not a bar to old age and eminence. And you will find that all western nations addicted to drink are more industrious than other nations who are not. No less a person than Cardinal Cibbons pronounced that a State-wide prohibition is a denial of self-government and an infringement upon personal liberty, and I may add, an insult to the inteligent mind of Cochin. Sir, public will resent it and thousands will go to jail, and I request the Hon'ble Minister for Jails—I don't know who the Minister is—before introducing prohibition to enlarge the old jails or build new ones.

This Bill will also interfere with the religious practices of certain communities. Of course, the provision is made in this Bill for that, and I want tc bring to the attention of the Hon'ble Minister that my community requires wine, wine is essential in all our ceremonies, for sabbath, festivals and other ceremonies, both in the House and in the Synagogue. So I request the Hon'ble Minister in framing rules he will not forget the jewish community of Cochin.

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Mrs. T. Francis *(Ernakulam-women)*: Is it actual wine?

Mr. S. S. Koder *(Nominated)*: It is wine. Now, coming to the huge financial loss, I doubt whether our small State like Cochin can bear this heavy loss. The Hon'ble Minister for Public Works the other day said he had no money for drainage scheme and he has promised also to take up some important works in 1124, but I doubt whether he will be able to do anything. There is another principle involved in this Bill. About 10 per cent of our public are addicted to drink and out of the 10 per cent, one or two per cent get drunk and get, ruined. Is it justice to tax 98 per cent of the people for saving this one per cent or two per cent of the public. With the introduction of this Bill, what the country and the public will face will be heavy taxation. Already in this session we have witnessed about seven taxation Bills, and I am sure in the next session we will have many more. Prohibition has failed in every country where it has been introduced. It is failing in British India.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: But it is going to succeed here.

Mr. S. S. Koder *(Nominated)*: And it is failing in Madras Presidency. Mr. Bapineedu, the chief whip of the Congress Party in the Madras Legislative Council has mentioned that Prohibition has nearly failed, and his last sentence is 'it is the duty of the Legislatures of this Province to take a serious view of this'. This is what the whip of the Congress Party says.

Rao Sahib K. Ayyappan *(Minister for Public Works)*: Of what?

Mr. S. S. Koder *(Nominated)*: Of the failure.

Rao Sahib K. Ayyappan *(Minister for Public Works)*: Is it of the failure?

Mr. S. S. Koder *(Nominated)*: It is of the failure.

Rao Sahib K. Ayyappan *(Minister for Public Works)*: But he might be suggesting some methods.

Mr. S. S. Koder *(Nominated)*: He is not suggesting any thing. I have only to conclude that these words of the whip of the Congress Party in Madras may be an eye-opener to our Ministers here.

Dr. S. S. Rao *(Nominated)*: Mr. President, I would like to avail myself of this opportunity to express my views on this particular Bill. The first issue that has been often raised on Prohibition, as I have come to know, is that the introduction of this Bill will infringe on the exercise of freedom. We all know that we are just on the threshold of independence and how far it is going to be a question of infringement on the freedom of individuals is a matter that we have to discuss. The very fact that we are going to prohibit the monufacture and sale of intoxicating beverages under the provisions of this particular Bill that is proposed to be introduced itself clearly go to show that the individual concerned would like to get himself intoxicated. And what is the process of intoxication? It is a process of self-destruction which is being carried on gradually. If that process of self-destruction could be allowed by Government in relation to the position as it stands today in India, I say that suicide cannot be penalised and if suicide could be penalised, self-destruction also has to be penalised in the interests of the climatic conditions and the position as it stands today in India relating to public health problems. And that is why it has been taken up for consideration and as it relates to the health conditions of India, whether prohibition relating to the intoxicating beverages has to be introduced or not. Well, it has been decided in favour of introduction. That is regarding the infringement on freedom.

Then, relating to the old habits of drink that has been going on even in pre-historic and olden days, what I have to say is that in those good old days, drinks were not so very strong as they are today. The process of manufacture has advanced to a very great extent. And as for the advancement in science, the alcohol percentage in the present intoxicating beverages has gone very high, *e.g.*, champaigne or whisky as we call it, the percentage of alcohol has gone very high,

Mr. S. S. Koder *(Nominated)*: What about beer?

Dr. S. S. Rao *(Nominated)*: In beer, of cours, the percentage is low.

Mr. S. S. Koder *(Nominated)*: Then why do you prohibit beer?

Dr. S. S. Rao *(Nominated)*: The percentage of alcohol has increased. And if at all these intoxicating beverages are detrimental or deleterious to the human system, I say, the deleterious aspect of it is only relating to the climatic conditions of India—that is what I have to say.

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Then relating to the health problems. If at all I have to say anything about the health problem, it is relating to the climatic conditions of India. India is practically known to all of us as a sub-continent. Even the dietic conditions differ in India. A northern part gentleman, that is a Punjabi, takes a diet of wheat, ghee and such other materials which if taken in South India will result in indigestion. The climatic conditions of Europe, England, Canada or as a matter of fact northern United States do require alcoholic drinks. There, the blood in the superficial circulation due to the cold conditions prevailig there, is driven down to the inner organs, so much so, the diet required in cold climates is more and that is not the condition prevailing in India, In India due to tropical conditions, the blood rushes on to the superfical circulation and the digestive functions are not so very virulent or strong as they are in England, Europe or Canada so much so the Europeans, those resident in the northern cold climates, when they do come over to India, the first thing that they get is indigestion and if they take the same quantity of alcohol in India as they used to do, no doubt they get a cerotic condition of the liver. In fact, the liver cells are destroyed if they were to take the same amount of alcohol which they were used to. So far as it relates to India, alcoholic beverages which are intoxicants do much harm to the liver. They practically eat into the vitals of the liver cells, so much so, the liver gets into a fibrotic condition and enlarges.

Setting aside that, we have got our labour classes who usually go on with the intoxicating liquor, drinks, beverages and they do it for the purpose of infusing energy to make them go on with their daily vocations. And what actually happens? They are thrown into a stimulating condition which naturally brings on in them a deleterious influence of alcohol with consequent depression, so much so, that it has to be looked into very seriously. I have already said about tropical conditions and the next position is, what about children of these addicts of alcohol—I mean, individuals who are always in a state of drunkenness. Their progeny on account of the deleterious influence on the nervous system, the progeny is practically thrown into a state of imbecility. Next comes the position of the expectation of life. Expectation of life in European countries may not be interfered with even lethal doses of alcohol, but in India and in tropical climates naturally it will have its own deleterious influence and expectation of life will naturally be shortened. That is the bad effect of intoxicating beverages in India.

Then I come to the economic aspect. Already so far as our State is concerned, we have estimated our revenue as 80 lakhs, in Excise, that is, by auctioning these depots etc. It is a matter for our Government to look into other sources of revenue to replace this revenue when by gradual process, prohibition is introduced. In fact, I am one of those who would advocate a gradual process of introduction. It is not a question of switching all at once and prohibition being introduced throughout the whole State in 24 hours, which of course will have its bad economic repercussion on the revenues of the State. It is a matter to be introduceed by slow process at the same time educating the people and the children of other parts as well, impressing on them the deleterious influence of alcohol and introducing prohibition part by part by a slow gradual process. And that is a process which will bring on its very good influences on the population without having its bad repercussions on State revenues. Now, so far as it relates to Madras, as given out in one of the speeches delivered by the Hon'ble Prohibition Minister Mr. Daniel Thomas, I have got these figures. In Madras Province, the total revenue comes to 17 crores from Excise. The total population of Madras is 50 millions of whom 10 per cent are addicted to drink. On the basis of the population of 50 millions, 5 million people spend nearly 17 crores of rupees on drinks alone. The revenne of Madrs is only 17 crores from Excise and the expenditure incurred by 5 million people on drinks comes to 17 crores. Look at the disparity between the income and the expenditure. These 17 crores, if properly utilised for the betterment of the children, will it not be conducive to the health of the future citizens of today, *i.e.* of the small children and babies, who have simply to be thrown out due to pecuniary future difficulties in families. These 17 crores of rupees could be spent for the betterment of these citizens of the Province. That is why our present national government is seriously thinking of introduction of prohibition. On this basis we can more or less calculate the economic waste.

Then what I have to say is regarding the United States experiment. Regarding this failure in United States, there has been of course difference of opinion. Some say that the failure in United States has been definitely due to want of public co-operation. In the matter of introduction of prohibition, the most important factor that we have to consider is the question of public co-operation. If at all there has been a failure in the United States, it has been definitely due to want of public co-operation.

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Mr. S. S. Koder *(Nominated):* How do you know that there will be co-operation here?

Dr. S. S. Rao *(Nominated):* That has to be seen. There is another school of thought who are inclined to say, who are inclined to believe, that vested interests had played a very great part in making prohibition unsuccessful in United States. That is another aspect.

Mr. S. S. Koder *(Nominated):* Sir, one personal explanation. The argument that I am opposing this Bill because I am a trader in liquor will not hold good, because if that argument holds good, I can as well argue that because my Hon'ble friend is not a trader he is supporting this Bill. We are on the same level.

Dr. S. S. Rao *(Nominated):* So far as I am concerned, I am only dealing in drugs over which I am quite willing for restrictions to be imposed on the sale. And another aspect is even in prohibition areas where there are sales of my preparations, what has been actually done is that these products, and even those that have been manufactured by any firm—as a matter of fact Ayurvedic preparations are supposed to contain self-generated alcohol—have been directed to be used only under the prescription of registered medical practitioner or a qualified medical man, so much so, it is not a question of medicinal products being allowed to be used widely and stand in the way of prohibition being introduced. I am quite agreeable to these conditions.

Regarding United States, if at all that was a failure, the failure must have been definitely due to want of public co-operation and from the information that I have gathered, there are some States even at present who are going on with prohibition. That has been a success in some States. If at all it was not a success, it must be due to climatic conditions, and due to want of public co-operation.

Then the next question that I would like to deal with is relating to the public co-operation. I have already made a statement that unless there is public co-operation, illicit distillation will surely go on, so much so there is necessity for public co-operation; and that is why the Madras Province has introduced various methods of side amusements. They have introduced night schools, they have introduced various cinema theatres and of course various other different types of amusements wherein the people, at the particular time of drink, are directed to change their mind to such places. Other campaigns of advocating anti-drink methods have also been introduced. So the whole drive must, of course, be with public co-operation. Then the last question is the need for the education of adults as well as the children. When on one side we introduce prohibition, on another side we have to go on with a system of education of the adults as well as children, and in planting in them clearly in a most vivid manner, the evil that will take possession of them if they go on with the drink habit. This is all that I have to express on this subject.

മിസ്സിസ്സ് ടി. ഫ്രാൻസിസ്സ് : ഞാൻ ഈ ബില്ലിനെ സപ്പോർട്ടുചെയ്യുന്നു. ഇതു ചീഫ് കമ്മീഷണർ താലൂക്കിൽ മാത്രം introduce ചെയ്യുന്നതിനെപ്പറ്റിയാണ് എനിക്കു പറയാനുള്ളതു്. (Hear! Hear!) ഇതു കൊണ്ടായിട്ട് complete prohibiiton ആയിരിക്കേണ്ടതാണെന്നു് ഇതിനെപ്പറ്റി കഴിഞ്ഞ തവണ എന്റെ ഒരു speech ഉണ്ടായിരുന്നു.

മിസ്റ്റർ പി. ഗോവിന്ദമേനോൻ : ഇതുമൂലം ഉണ്ടാകാവുന്ന നികുതിക്കുറവ് പരിഹരിക്കുവാൻ എത്രമാത്രമാണ് ബഹുമാനപ്പെട്ട മെമ്പർ പറയുന്നതു്?

മിസ്സിസ്സ് ടി. ഫ്രാൻസിസ്സ് : അതിനു് ഒരു കമ്മിറ്റിയുണ്ടായിരുന്നു. അതിൽ ഞാൻ ഒരു മെമ്പറായിരുന്നു. അന്നു് അതിനെപ്പറ്റി ഞാൻ പറഞ്ഞിട്ടുണ്ടു് Religious institutions നെ ടാക്സ് ചുമത്തുന്നതിനെപ്പറ്റി പറഞ്ഞപ്പോഴും ഞാൻ പറഞ്ഞിട്ടുണ്ടു്. ദയവായി interrupt ചെയ്യാതിരുന്നാൽകൊള്ളാം. ഞാൻ oppose ചെയ്തിട്ടുണ്ടു്. അന്നു എന്റെ minutes സിക്രട്ടറി record ചെയ്തിട്ടില്ല എന്നു വിശ്വസിക്കുന്നു. ഇതിനെ സംബന്ധിച്ചു ഞാൻ പറഞ്ഞിട്ടുള്ളതു് ബഹുമാനപ്പെട്ട ലേബർ മെമ്പറായ ഡപ്യൂട്ടി പ്രസിഡണ്ടിനു് നല്ലപോലെ അറിയാവുന്ന ഒരു സംഗതിയാണു്.

മിസ്റ്റർ പി. കെ. ഡിവർ : എനിക്കറിവില്ല.

മിസിസ്സ് ടി. ഫ്രാൻസിസ്സ് : ഞാൻ oppose ചെയ്തതാണു്. Nationalisation of Transport ഒക്കെഞാൻ support ചെയ്തിട്ടുള്ളതാണു്. ടാക്സ് ചെയ്യാൻ പോകുന്നകാര്യത്തെ സംബന്ധിച്ചാണു് ബഹുമാനപ്പെട്ട വിദ്യാഭ്യാസ മന്ത്രി ഒരു പ്രത്യേക ചോദ്യം ഇ

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പ്പോൾ ചോദിച്ചതു് എന്നു് എനിക്കു മനസ്സിലായി. ബില്ലിനെ സംബന്ധിച്ചു പറയുകയാണെങ്കിൽ ഈ മദ്യപാനം മൂലമുള്ള ദോഷത്തെ പരിഹരിക്കുവാനായി ആകെ കൊച്ചിൻ സ്റ്റേറ്റിൽ മുഴുവൻ prohibition ഏർപ്പെടുത്തേണ്ടതാണു്. ഇതു ആരോഗ്യത്തിനു് കൊള്ളാവുന്നതാണെന്നു് ചിലർ പറയാറുണ്ടെങ്കിലും അതു ആരോഗ്യത്തെ ക്ഷയിപ്പിക്കുന്നതാണെന്നുള്ള സംഗതിയെക്കുറിച്ചു് ബഹുമാനപ്പെട്ട ഡാക്ടർ എസ്സു്. എസ്സു്. റാവു ഉറപ്പിച്ചു പറഞ്ഞിട്ടുണ്ടു്. അതുകൊണ്ടു് മദ്യപാനത്തിന്റെ ദോഷവശങ്ങളെക്കുറിച്ചു് വീണ്ടും വീണ്ടും എടുത്തെടുത്തു് പറയേണ്ട ആവശ്യമില്ല. ബഹുമാനപ്പെട്ട Jew മെമ്പർ മിസ്റ്റർ എസ്സു്. എസ്സു്. കോഡർ ദൈവീകമായ കാര്യങ്ങൾക്കു് മദ്യം ആവശ്യമാണെന്നും, ദൈവം മദ്യം നിരോധിച്ചിട്ടില്ലെന്നും മറ്റും പറയുകയുണ്ടായി. നോവയുടെ കാലത്തു് കുടിയന്മാരുടെ സംഖ്യ വർദ്ധിച്ചതുമൂലം ദൈവം മനുഷ്യരെ ശിക്ഷിക്കുകയാണു് ചെയ്തിട്ടുള്ളതു്. ദൈവത്തിന്റെ ദൃഷ്ടിയിൽ എല്ലാവരും കുറക്കാരായിരുന്നു. എല്ലാവരും കുടിയന്മാരായതിനാൽ നീതിമാന്മാരായ ഒരാളേയും ദൈവം കണ്ടില്ല. ഒരാൾ കുടിയാനായിരുന്നു എങ്കിലും നീതിമാനായിരുന്നു. അയാളായിരുന്നു നോവ. ദൈവം അയാളെ വിളിച്ചു. അയാളെ നശിപ്പിച്ചില്ല. അയാളോടു് ഒരു കപ്പൽ പണിചെയ്യ അയാളും ഭാര്യയും പുത്രപുത്രികളും അവരുടെ ഭാര്യമാക്കന്മാരും സകല ജീവികളും അവയുടെ ഇണകളും അതിൽ കയറി രക്ഷപ്പെട്ട ഭൂമിയെ നിലനിർത്തുവാൻ നോവായോടു ദൈവം കല്പിക്കയാണു് ചെയ്തതു. കുടിക്കുന്ന ആളുകളെ പാപികളായിട്ടാണു ദൈവം കണക്കാക്കിയിരുന്നതു്. പിന്നെ മദ്യം വൈദ്യകമ്മത്തിനു് വേണമെന്നു് പറഞ്ഞതിൽ ന്യായമുണ്ടു്. അതിനു് ഇതിൽ ഒരു provision ഗവമ്മെണ്ടു് വെച്ചിട്ടുണ്ടായിരിക്കും. അതിനു് ബഹുമാനപ്പെട്ട മെമ്പർ പറഞ്ഞതു് wine അല്ല.

Mr. S. S. Koder (*Nominated*) : I question that statement. It is absolute wine. and I can bring proof to show that.

മിസിസ്സു് ടി. ഫ്രാൻസിസ്സു് : I cannot personally believe that. But I have to believe his word. അതിൽ എനിക്കു പറയാനുള്ളതു് മദ്യപാനംകൊണ്ടു വിക്ഷമിക്കുന്നതു് ദരിദ്രരാണു് എന്നാണു്. അതുകൊണ്ടു് ഇതു select committee ക്കു അയക്കാതെ ഉടനെ introduce ചെയ്യണമെന്നാണു് എനിക്കു പറയുവാനുള്ളതു്. ചിറയ്ൻ താലൂക്കിൽ മാത്രം ഇതു നടപ്പാക്കുന്നതുകൊണ്ടു് ഇതിൽനിന്നു ഗവമ്മെണ്ടിനു നഷ്ടപ്പെടാൻ പോകുന്ന സംഖ്യ എന്താണെന്നറിഞ്ഞാൽ കൊള്ളാം.

റാവുബഹദൂർ ടി. കെ. നായർ : ക ക ഫ-ലെ നിലക്കാണെങ്കിൽ ര ലക്ഷത്തോളം നഷ്ടം വരും.

മിസിസ്സു് ടി. ഫ്രാൻസിസ്സു് : ര ലക്ഷത്തിന്റെ നഷ്ടമേ ഗവമ്മെണ്ടിനു് വരുവാനുള്ളൂ?

റാവുബഹദൂർ ടി. കെ. നായർ : വരുന്നകൊല്ലത്തെ ലേലസംഖ്യ നോക്കുന്നതാണെങ്കിൽ ഫ ള ലക്ഷത്തോളം നഷ്ടം വന്നിട്ടുണ്ടു്.

മിസിസ്സു് ടി. ഫ്രാൻസിസ്സു് : ഞാൻ ചോദിക്കുന്നതു് Toddy, ganja മുതലായതു് ലേലത്തിൽ കൊടുത്തിട്ടുണ്ടല്ലൊ. ക ക ഫ-ലെക്കാൾ മെച്ചമായിട്ടുള്ള സംഖ്യയല്ലെ നമുക്കു കിട്ടിട്ടുള്ളതു്? അപ്പോൾ ര ലക്ഷത്തോളം നഷ്ടമുണ്ടെന്നു മന്ത്രിപറയുന്നതെങ്ങിനെയാണു്?

റാവുബഹദൂർ ടി. കെ. നായർ : ആ താലൂക്കിൽ കൂടിയും ലേലം വിളിച്ചുതായിരുന്നു എങ്കിൽ ള ള ലക്ഷവും കൂടി നമുക്കു് കിട്ടുമായിരുന്നു. സങ്കല്പത്തിലുള്ള ള ള ലക്ഷം പോയി എന്നേയുള്ളു.

മിസിസ്സു് ടി. ഫ്രാൻസിസ്സു് : മറ്റു താലൂക്കുകളെ അപേക്ഷിച്ചു് നോക്കിയാൽ ചിറയ്ൻ താലൂക്കിൽ കുടികുറച്ചു കുറവാണു്. എങ്കിലും ഈ prohibition ഏർപ്പെടുത്തുന്നതു് അവിടെ കുറച്ചു്, ഇവിടെ കുറച്ചു്, ഇങ്ങിനെ ആയതുകൊണ്ടു ശരിയാകയില്ല. ഇതു എല്ലാസ്ഥലത്തും ഉടനെ നടപ്പാക്കണമെന്നുള്ള അഭിപ്രായക്കാരിയാണു് ഞാൻ. എങ്കിൽ മാത്രമെ മദ്യപാനത്തിനു് കുറവു വരികയുള്ളു. എല്ലാസ്ഥലത്തുള്ള ആളുകൾക്കും കുടിക്കാനുള്ള സൌകര്യമില്ലാതാക്കുവാൻ വേണ്ടി ഇതു് ഒരു സിലക്ട് കമ്മിറ്റിക്കയക്കാതെ ഉടനെ introduce ചെയ്യണമെന്നുള്ള അഭിപ്രായമാണു് എനിക്കുള്ളതു്.

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Mr. M. O. Thomakutty *(Commerce and Industry)*: Mr. President, I rise to oppose this Bill. The introduction of prohibition in the State will not be in the best interests of the State. Apart from the administrative and practical difficulties in giving effect to this ideal it is going to be a severe blow on the financial resources of the State. This is the time when we require any amount of money for the agricultural and industrial developments of the State. There are any number of schemes with the Government—schemes calculated to enhance the economic wealth of the country—that are not taken into execution for want of necessary finance. Have we not to find out ways and means to increase the production of food articles? Can we in the face of such grim realities confronting us now ignore them and remain complacent? Sir, if we want to increase the agricultural production of our country in order to be self-sufficient, we have to take up large irrigation schemes and try to bring under cultivation lands which remain uncultivable for want of water and other facilities.

Mr. Puthur Achyuta Menon *(Kattur)*: On a point of information, may I know whether the Hon'ble Member had supported this Prohibition Bill once?

Mr. M. O. Thomakutty *(Commerce and Industry)*: I have not supported the prohibition. The Hon'ble Member may please recollect what I have said.

Mr. Puthur Achyuta Menon *(Kattur)*: The Hon'ble Member's party wholeheartedly supported it. Now he is opposing the Bill.

Mr. M. O. Thomakutty *(Commerce and Industry)*: I am stating my individual opinion. Sir, the time has come now for us to realise our miserable position in respect of food stuffs and also to take effective measures to make us self-sufficient as far as possible. All these projects require hard cash. My humble submission therefore, Sir, is that this is the time when we cannot afford to lose a single pie which we can legitimately realise from the people. I need not remind the House that the effect of the introduction of Prohibition will be the loss of the revenue amounting to one crore and odd.

And again, Sir, not only that we will not realise the revenue which we were getting till now but we will also have to spend more for payment of salary etc., to the preventive staff that will have to be appointed. For a proper administration of the order, a large preventive force will have to be appointed. And even if such a huge preventive staff is appointed, is it possible from a practical point to check smuggling and other evils which the enforcement of prohibition will bring in its train. I say that it is impossible from a practical point of view. America, with all its resources tried it and they gave it up. Can we expect to fare better than America did?

And for what is it that the State should forgo such a huge revenue, I ask. Does the Hon'ble Minister for Public Health believe that the whole population of the State is addicted to the drink evil, and that they are irredeemably lost from a moral stand point? Will the Hon'ble Minister for Public Health tell me, Sir, what percentage of the population is generally addicted to this evil? I make bold to say, Sir, that it is not more than one or two per cent of the whole population. What moral justification is there, Sir, to say that the remaining 98 per cent should make such a huge sacrifice to the benefit of the insignificant minority even if it were to be granted for argument's sake that they too will be benefitted by it though as a mere matter of fact none will be actually benefitted except the paid servants of Government; I then ask, Sir, whether the proposition is a sound one, either ethically or economically?

Even if it were to be admitted for argument's sake that the entire population in the State is addicted to this evil, I ask in all sincerity, Sir, whether the Hon'ble Member in charge of the Bill believes that this evil can be eradicated by a mere stroke of the pen? To me, Sir, it seems trying to achieve the impossible. If the Government think to the contrary, I cannot help their complacency.

According to me, Sir, this is not the correct approach for the eradication of this evil. It will be foolish to think that people can be brought round by the enactment of legal measures like this. I honestly believe that such a reformation can be effected only by propaganda and systematic education. Children should be instructed from the very beginning of their educational career regarding the evil effects of drinking and the calamities and miseries that it brings upon individuals and families. What is more urgent therefore is to remodel our educational carricula. Any amount spent for this will not be ill-spent. The agency of the Press, the platform, the school and the screen will have to be utilised in a systematic and thorough manner, if Government are at all anxious to remove the evil from the people.

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And may I ask once again what the result of this fantastic experiment is going to be? Surely it can deprive the State of a revenue of more than one crore of rupees at a time when it is most in need of ever larger sum of money for its nation-building departments. Not only has one crore of revenue been sacrificed on this forlorn socio-political experiment but, considerable, and growing sums will have to be spent on enforcing the prohibition law what then will it be able to achieve? I am certain that it will not be able to eradicate the evil altogether. It may at best be able to increase the population in our Jail and our Ministry may have to enlarge the existing jail and to build new ones also as it has been the case in the neighbouring province of Madras. And the reform which is intended to save the working class families from ruin and misery will prove to their detriment as most of the bread-winners of these families will be shut up in the jails for offences contravening the provisions of the Prohibition law.

I do not wish to take away the valuable time of the Hon'ble House by dilating upon the impracticabilities involved in enforcement of this measure. Suffice it to say that this measure is inexpedient and undesirable. It is not in the realm of practical politics. The State cannot afford at this jucture to sacrifice the large revenues when it is badly in need of finance for its ever growing departments ot national importance. This is no doubt a doomed experiment. And the public attitude is summed up in the remark of an Indian reader resentful of new taxation—"ninety-nine per cent must suffer and pay that the Ministry may try to reform one per cent". In conclusion may I ask—Is the Ministry justified in introducing a measure which may blight the whole administration of the S ate?

മിസ്റ്റർ പി. എ. മുഹമ്മദ് അഷറഫ്: ഞാൻ ഈബില്ലിനെ സ്വാഗതം ചെയ്യുന്നു എന്റെ മാന്യസ്നേഹിതൻ മിസ്റ്റർ കോഡർ പറയുകയുണ്ടായി, ദൈവങ്ങൾക്കുപോലും വിരുദ്ധമായ കാര്യമല്ല ലഹരിപദാർത്ഥമെന്നു്. എന്നാൽ ഞങ്ങളുടെ ദൈവത്തിനു ലഹരി വിരോധമാണു്. അങ്ങിനെ ദൈവത്തിനുപോലും വിരുദ്ധമായ ഒരു പദാർത്ഥം മനുഷ്യൻ ഒരിക്കലും ഉപയോഗിക്കുവാൻ പാടില്ല. ഞങ്ങളുടെ ദൈവം ഇതിനോടു വിരുദ്ധമായതുകൊണ്ടു് എനിക്കു ഈ ബില്ലിനെ സ്വാഗതം ചെയ്യാതിരിക്കാൻ നിവൃത്തിയില്ല. പിന്നെ ഒരു വാക്കു് അദ്ദേഹം പറയുകയുണ്ടായി, ഈ സഭയിലെ അംഗങ്ങളിൽ പലരും അദ്ദേഹത്തോടു് യോജിച്ചു് അഭിപ്രായപ്പെട്ടിട്ടുണ്ടു്. Prohibition ഇവിടെ ആവശ്യമില്ലാത്തതാണെന്നതെ! അതുകൊണ്ടു് അവക്കു് നടപ്പില്ല നിവർത്തി ഈ സഭയിൽ ഈ ബില്ലിനെ സ്വാഗതം ചെയ്യുവാൻ ഒരിക്കലും കഴിയുകയില്ലെന്നുമാണു് അദ്ദേഹം പറയുന്നതു്. എന്നാൽ അദ്ദേഹം പറയട്ടെ ഞാൻ അദ്ദേഹത്തോടു ഇതിനെ സംബന്ധിച്ചു വല്ല അഭിപ്രായവും പറഞ്ഞിട്ടുണ്ടോ എന്നു് എനിക്കഭിപ്രായമില്ല, ഈ സഭയിലിരിക്കുന്ന എന്റെ മാന്യ സ്നേഹിതന്മാർ അദ്ദേഹത്തോടു പറഞ്ഞിട്ടുള്ളതിനു വിപരീതമായിട്ടു് ഈ സഭയിൽ പറയുമെന്നു്. അങ്ങിനെ അവരിൽ ആരെങ്കിലും അവരുടെ സ്വന്ത അഭിപ്രായം പ്രകടിപ്പിച്ചിട്ടുണ്ടെങ്കിൽതന്നെ പൊതുജനങ്ങളുടെ മുമ്പിൽ ആ അഭിപ്രായവും കൊണ്ടുപോകാൻ അവർ ധൈര്യപ്പെടുകയില്ലെന്നാണു് എന്റെ അഭിപ്രായം. ഇവിടെ പൊതുജനങ്ങളെ പ്രതിനിധീകരിക്കുന്നവർ ഈ ബില്ലിനെ സ്വാഗതം ചെയ്യണം. എന്തുകൊണ്ടെന്നാൽ പൊതുജനങ്ങളും ഈ ബില്ലിന്നനുകൂലമാണു്. അതുകൊണ്ടു് പ്രൊഹിബിഷൻ നടപ്പാക്കണമെന്നാണു് എനിക്കു പറയാനുള്ളതു്.

എന്റെ മാന്യ സ്നേഹിതൻ മിസ്റ്റർ തോമക്കുട്ടി പറയുകയുണ്ടായി, സാന്മാർഗ്ഗികബോധം ഇല്ലാത്ത ഒരു മനുഷ്യനെ നന്നാക്കുവാൻ നൂറാളുകളുണ്ടെങ്കിൽ മറ്റ് ൻ ൻ പേരും എന്തിനു ബുദ്ധിമുട്ടുന്നു എന്നു്. നൂറു മനുഷ്യരിൽ ഒരാളും സന്മാർഗ്ഗികമല്ലാത്ത മാർഗ്ഗത്തിൽക്കൂടി പ്രയാണം ചെയ്യുന്നുണ്ടെങ്കിൽ, അയാളും ഒരായാളും ശരി അയാളെ നന്നാക്കുവാൻ മറ്റ് ൻ ൻ പേരും ഒത്തൊരുമിച്ചു് പരിശ്രമിക്കണമെന്നാണു് എനിക്കു പറയുവാനുള്ളതു്. നമ്മുടെ രാഷ്ട്രത്തിന്റെയിടയിൽ സന്മാർഗ്ഗിയല്ലാത്ത ഒരുവൻ ഉണ്ടായാൽ മതി ബാക്കിയെല്ലാവർക്കും ചീത്തപ്പേരുണ്ടാക്കുവാൻ. അതുകൊണ്ടു് ൻ ൻ പേരുടേയും ചുമതലയാണു് ഒരുവനെ നന്നാക്കുക എന്നുള്ളതെന്നാണു് എനിക്കു പറയുവാനുള്ളതു്. ഇത്രയും പറഞ്ഞുകൊണ്ടു് ഞാൻ ഈ ബില്ലിനെ സഹർഷം സ്വാഗതം ചെയ്യുന്നു.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: ഞാൻ ഈ ബില്ലിനെ സ്വാഗതം ചെയ്യുന്നു. മദ്യപാനംകൊണ്ടു് മിസ്റ്റർ കോഡർ പറഞ്ഞതുപോലെ പല ചില്ലറ ഗുണങ്ങളുമുണ്ടായേക്കാം.

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[Mr. K. S. Panicker]

കള്ള് കുടിക്കുന്നതു ഒരു ആഹാരമായിട്ടാണു് ചിലർ പരിഗണിച്ചിട്ടുള്ളതു്. മക്കളില്ലാത്ത ചില എം. എൽ. സി, മാരോടു് കള്ള് കുറെ കുടിക്കാനായിട്ടു് ഡിഗ്രിനായിട്ടുള്ള ഒരു വൈദ്യൻകൂടി ആയിരുന്ന നമ്മുടെ ഒരു മഹാരാജാവു്, തിരുമനസ്സുകൊണ്ടു് ഉപദേശിച്ചതായിട്ടാണു് അറിയുന്നതു്. പക്ഷെ അങ്ങിനെയുള്ള ഗുണങ്ങളുണ്ടെങ്കിലും ഏറ്റവും ദോഷകരമാണു് ഈ ലഹരിപാനീയം എന്നും പറയാതെ നിവൃത്തിയില്ല. കുടിയുടെ അധികം ദോഷാനുഭവം വരുന്നതു് സ്ത്രീ ജനങ്ങൾക്കായതുകൊണ്ടാണു് സ്ത്രീജനങ്ങളുടെ ഒരു പ്രതിനിധിയായ ബഹുമാനപ്പെട്ട മെമ്പർ മിസ്സിസ്സ് ഫ്രാൻസിസ്സ് ഇത്ര ശക്തിയായി വാദിച്ചതെന്നും ഇതു് ഉടനെ നടപ്പിൽ വരുത്തണമെന്നു് സ്വന്തം അനുഭവം വെച്ചുകൊണ്ടു് പറഞ്ഞതെന്നും ഞാൻ വിചാരിക്കുന്നു. ആ സ്ഥിതിക്കു ഇതു നിരോധിക്കാതിരിക്കാൻ നിവൃത്തിയില്ല. കൊച്ചിരാജ്യം മുന്നാകെ മദ്യനിരോധനം ഏർപ്പെടുത്തണമെന്നുള്ള അഭിപ്രായത്തോടുകൂടി യോജിക്കാൻ എനിക്കു വിഷമമാണു്. ദുർഘടമാണെങ്കിലും ചിരകാലപരിചയത്തിൽനിന്നും പെട്ടെന്നു തെറ്റിക്കുന്നതിൽ പല വിഷമങ്ങളും നേരിടാൻ ഇടയുണ്ടു് മാത്രമല്ല, രാജ്യത്തിന്റെ ഭരണം നടത്തിക്കൊണ്ടു പോകുന്ന കാര്യങ്ങൾകൂടി ഇതിൽ നോക്കേണ്ടതാണു്. സാമ്പത്തികമായിട്ടു് നമ്മുടെ രാജ്യത്തെ ബാധിക്കുന്ന ചില സംഗതികളുണ്ടു്. അതിനുള്ള പരിഹാരമാർഗ്ഗംകൂടി നിർദ്ദേശിച്ചിട്ടുവേണം കൊച്ചിരാജ്യത്തൊട്ടാകെ നടപ്പാക്കണമെന്നു് പറയുവാൻ. ഇക്കൊല്ലം ഫെബ്രുവരിലെ ലേലം കഴിഞ്ഞതിൽ കുറെ സംഖ്യ കൂടുതലുണ്ടായിട്ടുള്ളതുകൊണ്ടു് അതു കഴിച്ചാൽ ൪ ലക്ഷത്തോളം മാത്രമേ ചിറ്റൂർ താലൂക്കിൽ prohibition ഏർപ്പെടുത്തുന്നതുകൊണ്ടു് നഷ്ടമുള്ള എന്നു് ബഹുമാനപ്പെട്ട മെമ്പർ പറഞ്ഞിട്ടുണ്ടെങ്കിലും, ഫിഫ്റ്റി ലക്ഷംകൂടി നമുക്കു് ചിറ്റൂർ താലൂക്കിൽനിന്നു കിട്ടാനിടയുണ്ടായിരുന്നു എന്നാണു് ബഹുമാനപ്പെട്ട മന്ത്രി ഇവിടെ പ്രസ്താവിച്ചതു്. രാജ്യഭരണം നടത്തിക്കൊണ്ടു പോകാൻ നമുക്കു് പണംവേണം. അബ്കാരി ഇനത്തിൽ ഒരു വലിയ സംഖ്യ വരുവുണ്ടു്. ഇതെല്ലാം കണക്കാക്കികൊണ്ടാണു് ബഡ്ജറ്റിൽ ഓരോ ചിലവിന്നും വക കൊള്ളിച്ചിട്ടുള്ളതു്. പണം പോരാതെ വരുന്ന നൃനതകൾ പരിഹരിക്കുവാനുള്ള ഒരു മാർഗ്ഗംകൂടി നിർദ്ദേശിച്ചിട്ടാണു് ഇതു നടപ്പാക്കാൻ പോകുന്നതെങ്കിൽ തരക്കേടില്ല. ചിറ്റൂർ താലൂക്കിൽ മദ്യനിരോധനം ഏർപ്പെടുത്തിയതുകൊണ്ടു കുറവുണ്ടായിട്ടുള്ളതു നികത്തുവാൻ കൊണ്ടുവന്ന ബില്ലുകളെ മുഴുവൻ എതിർക്കുകയും രാജ്യത്തൊട്ടാകെ ഒരേസമയത്തു് മദ്യനിരോധനം ഏർപ്പെടുത്തണമെന്നു ശക്തിയായി വാദിക്കുകയും ചെയ്യുന്നതു ഒരുപക്ഷെ കാര്യവിവരമില്ലാത്തതുകൊണ്ടായിരിക്കാമെന്നു ഈ സഭ സംശയിച്ചേക്കാം. കുടിയുടെ ദോഷം മനസ്സിലാക്കീട്ടുള്ളവരല്ലാതെ ഈ നിയമസഭയിൽ ആരുമുണ്ടെന്നു ഞാൻ വിശ്വസിക്കുന്നില്ല. പ്രൊഹിബിഷൻ വരുന്നതിനെ സംബന്ധിച്ചു് ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ബില്ലിൽതന്നെ പ്രത്യേക ചില exemptions ഒക്കെയുണ്ടു്. അതുതന്നെ ആപൽകരമായിത്തീരുമെന്നാണു് ഞാൻ സംശയിക്കുന്നതു്. പ്രത്യേക ആവശ്യങ്ങൾക്കു് അങ്ങിനെ ലൈസൻസ്സുകൊടുക്കാൻ തുടങ്ങിയാൽ നാം ഈ ബില്ലുകൊണ്ടുദ്ദേശിക്കുന്ന ഫലം മുഴുവൻ വരുമോ എന്നു് സംശയിക്കുന്നു. Sweet toddy ഉണ്ടാക്കാനുള്ള അനുവാദം കൊടുത്താൽ prohibition ഗുണപ്പെട്ട വരുകയില്ല. Illicit distillation ഒക്കെ ധാരാളം നടക്കും. അങ്ങിനെയുണ്ടായാൽ ആ ഇനത്തിൽ കുറെ സംഖ്യ ഗവൺമെണ്ടിന്നു വരുമാനമുണ്ടായേക്കുമെന്നുള്ളതു് വാസ്തവംതന്നെ. എങ്കിലും ചെത്തുതൊഴിലാളികളുടെ തൊഴിലില്ലായ്മയ്ക്കു പരിഹാരവും കാണേണ്ടതുണ്ടു്.

പിന്നെ അമേരിക്കയിൽ prohibition പരാജയപ്പെട്ടതുകൊണ്ടു കൊച്ചിരാജ്യത്തു് ഇതു നടപ്പാക്കാൻ വിഷമമുണ്ടെന്നു വിചാരിക്കാനുള്ള മൌഢ്യം ഗവൺമെണ്ടിന്നുണ്ടായിരിക്കയില്ല. വേണം എന്നു വിചാരിച്ചാൽ ഒരു വിഷമവുമില്ല. ഇതു നടപ്പിലാക്കേണ്ടതു് അത്യന്താപേക്ഷിതമാണു്. പക്ഷെ അതേ സമയത്തുതന്നെ ഈ ശ്രമങ്ങൾ പേരിനു് മാത്രമായിത്തീരുതു്. പ്രായോഗികമായ വിധത്തിലായിരിക്കണം. കൊച്ചി രാജ്യത്തു് ഒട്ടാകെ ഒന്നിച്ചു നടപ്പാക്കണമെന്നു് പറയുന്നതു് നന്നായിരിക്കുമെന്നു് ഞാൻ വിചാരിക്കുന്നില്ല. എന്നാൽ ഗവൺമെണ്ടു step by step ആയി എടുക്കാൻ വിചാരിക്കുന്ന നടപടികൾ തുടർന്നുകൊണ്ടുപോകുന്നതായാൽ ക്രമേണ complete prohibition നടപ്പാക്കാൻ സാധിക്കും. അതിനു എല്ലാവരും സഹകരിച്ചു വേണ്ടതു് പ്രവർത്തിക്കണം. പക്ഷെ "എന്നെ കണ്ടാൽ കിണ്ണം കട്ട എന്നു തോന്നുമോ" എന്നു ചോദിക്കുന്നതുപോലെ സംശയിക്കുന്നതായി ചിലരുടെ പ്രസംഗത്തിൽ ധ്വനിക്കുകയുണ്ടായി. ആ സംശയം ചിലർക്കുണ്ടു്. എന്നാൽ അദ്ദേഹം അങ്ങിനെ പറഞ്ഞുവെങ്കിലും എനിക്കതിൽ സംശയമില്ലെന്നു ബഹുമാനപ്പെട്ട കൊടുങ്ങല്ലൂർ മെമ്പ

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റെ മനസ്സിലാക്കുവാൻ ഞാനാഗ്രഹിക്കുന്നു. ഈ കാര്യത്തിൽ എല്ലാവരുടേയും, പ്രത്യേകിച്ചു എന്റെ സ്നേഹിതൻ മിസ്റ്റർ കോഡശ്ശേരിയുടേയും പ്രത്യേക സഹായസഹകരണങ്ങളുണ്ടാകുമെന്നുള്ള പ്രതീക്ഷയോടുകൂടി ഞാൻ ഇതിനെ ശക്തിയായി അനുകൂലിക്കുന്നു.

The house rose for lunch at 1—30 p.m. and reassembled at 2—30 p.m. with the Hon'ble President in the Chair.

6. Special sitting—Announcement of

Mr. President: I have to announce under the Command of His Highness that His Highness desires to convey an important message to the Legislative Council on Thursday, 14th August 1947, and therefore His Highness desires that a special sitting of the House may be held on that day. A special sitting of the House will therefore be held on Thursday the 14th August 1947 as usual at 11-30 a.m.

7. Election of Members—Public Acccunts Committee

Three nomination papers have been received for election to the Public Accounts Committe from

1. Mr. K. K. Kannan,
2. ,, M. K. Verghese,

and 3. Choudhury G. S. Dhara Singh.

Since only three nomination papers have been received, the Hon'ble Members mentioned are declared duly elected.

8. Legislative Business—Government Bills— *(cont.)*

1. The Cochin Prohibition Bill—*(cont.)*

മിസ്റ്റർ സി. എൻ. ഇട്ടിരവിനമ്പൂതിരി: മിസ്റ്റർ പ്രസിഡണ്ട്, സർ, മദ്യനിരോധനനിയമത്തെ അനുകൂലിച്ചുകൊണ്ടു രണ്ടു വാക്കു പറയുവാൻ ഞാൻ ആഗ്രഹിക്കുന്നു. ഇതു് എത്രയോ കൊല്ലം മുമ്പു് ഈ സഭയിൽ—എന്റെ ഓർമ്മ ശരിയാണെങ്കിൽ ഒരു ൧൯ കൊല്ലം മുമ്പു്—വാദപ്രതിവാദത്തിനു വിഷയമായിട്ടുള്ള വിഷയമാണു്. എന്നിട്ടു് അന്നത്തെ ഗവണ്മെണ്ടു നെല്ലാറയിൽ ഒരു ഫക്കയിൽ മാത്രം അതു പരീക്ഷിച്ചുനോക്കുകയും പിന്നീടു് അതു നടപ്പിൽ വരുത്തേണ്ട ആവശ്യമില്ലെന്നു വയ്ക്കുകയും ചെയ്തു. ഏതാണ്ടു് ഒരു കൊല്ലം കഴിഞ്ഞപ്പോൾ അതു പരാജയത്തിൽ കലാശിച്ചു. അതുപോലെയുള്ള ഉദ്ദേശമാണു് ഇപ്പോഴത്തെ ഗവണ്മെണ്ടിനും ഉള്ളതു് എന്നാണെങ്കിൽ ജനങ്ങളെ കളിപ്പിക്കുവാൻ വേണ്ടി ഇതു നടപ്പാക്കരുതു് എന്നാണു് എനിക്കു പറയുവാനുള്ളതു്.

പിന്നെ ഇതു നടപ്പാക്കുന്നതിനു ഗവണ്മെണ്ടു തിരഞ്ഞെടുത്തിരിക്കുന്ന പ്രദേശം ചിറ്റൂർ താലൂക്കാണു്. ആദ്യം ഇതു നടപ്പിൽ വരുത്തിട്ടു പരാജയമടഞ്ഞ സ്ഥലത്തുതന്നെ ഇപ്പോഴും പരീക്ഷാർത്ഥമായി പ്രൊഹിബിഷൻ ഏർപ്പെടുത്തുവാൻ നിശ്ചയിച്ചിരിക്കുന്നതു പിന്നെയും പരാജയപ്പെടുവാനാണോ എന്നു് എനിക്കു ബലമായ സംശയമുണ്ടു്. അതുകൊണ്ടു ഗവണ്മെണ്ടു തിരഞ്ഞെടുത്തിരിക്കുന്ന സ്ഥലം ശരിയായില്ലെന്ന അഭിപ്രായക്കാരനാണു ഞാൻ. കൊച്ചിരാജ്യത്തിന്റെ മദ്ധ്യഭാഗമായ തൃശ്ശിവപേരൂരോ മുകുന്ദപുരം താലൂക്കോ ആയിരുന്നു തിരഞ്ഞെടുത്തതു് എങ്കിൽ അതു വിജയിക്കുമെന്നു വിശ്വാസമുണ്ടു്. ചിറ്റൂർ താലൂക്കു കൊച്ചിരാജ്യത്തിന്റെ അങ്ങേഅറ്റമാണു്. ബ്രിട്ടീഷിനോടു തൊട്ടുകിടക്കുന്ന ഒരു പ്രദേശമാണതു്. അവിടെ നടക്കുന്ന കാര്യങ്ങൾ ഇവിടെ ഉദ്യോഗസ്ഥന്മാർക്കു് അറിയുവാനും സാദ്ധ്യമല്ല.

ഇവിടെ ചില മാന്യമെമ്പർമാർ പറഞ്ഞു എഴുപതു ലക്ഷത്തോളം ഉറുപ്പിക ഇതുമൂലം നഷ്ടം വരുമെന്നു്. ആവക നഷ്ടം നാം കണക്കാക്കി കാണിച്ചുകൊടുക്കേണ്ട ആവശ്യമില്ല. അതൊക്കെ വഴിക്കുവഴി നടന്നുകൊള്ളും. നഷ്ടം ഉണ്ടായാൽ അതു് ഇന്നത്തെ ഗവണ്മെണ്ടു നികത്തിക്കൊള്ളും. പ്രൊഹിബിഷൻ എന്നുള്ളതിന്റെ അർത്ഥം ഞാൻ മനസ്സിലാക്കീട്ടുള്ളതു് പബ്ലിക്കായിട്ടു മദ്യപാനം ചെയ്യുവാൻ പാടില്ല എന്നുള്ളതാണു്. ഇപ്പോൾ മദ്യം ഉണ്ടാക്കുവാൻ യാതൊരു വിഷമവുമില്ല. പല സാധനങ്ങളിൽനിന്നും മദ്യം ഉണ്ടാക്കുന്നുണ്ടു്. ആരോ വീട്ടിലും കുടിക്കണമെന്നുണ്ടെങ്കിൽ കുടിക്കണമെന്നു നിർബ്ബന്ധമുള്ളവർക്കും മദ്യമുണ്ടാക്കുവാൻ യാതൊരു വിരോധവുമില്ല. രാജ്യത്തുള്ള ൨൫ ലക്ഷം ആളുകളെയു

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. C. N. Ittiravi Nambudiri]

അതു നോക്കുന്നതിനു ശിപായിമാരായി, നിയമിച്ചാലും കണ്ടുപിടിക്കുവാൻ സാദ്ധ്യമല്ല. പരസ്യമായിട്ടു കടിക്കുവാൻ പാടില്ലെന്നേ ഗവമ്മെണ്ടിനു നിർബ്ബന്ധമുള്ളു. പരസ്യം ആകാതെ സൂക്ഷിച്ചു കടിച്ചുകൊള്ളണമെന്നാണു് ഈ പ്രൊഹിബിഷൻ എന്നുള്ളതിന്റെ അർത്ഥമെന്നാണു ഞാൻ ധരിച്ചിട്ടുള്ളതു്. ഇവിടത്തെ കടി നിറുത്തുവാൻ ഒരു പ്രദേശത്തു മാത്രം പ്രൊഹിബിഷൻ നടപ്പാക്കുന്നതുകൊണ്ടു സാദ്ധ്യമല്ല.

പിന്നെ ഇതു ജൂതന്മാർക്കും മറ്റുചില മതക്കാർക്കും കൂടാതെ കഴിയുകയില്ലെന്നു പറയുന്നു. അവരെ exempt ചെയ്തു് അവർക്കു ലൈസൻസ്സും കൊടുക്കുന്നുണ്ടു്.

മിസ്റ്റർ പി. കെ. ഡീവർ: ശാക്തേയന്മാർക്കും കൊടുക്കും.

മിസ്റ്റർ സി. എൻ. ഇട്ടിരവിനമ്പൂതിരി: അങ്ങിനെയുള്ള വർക്കാരുണ്ടെങ്കിൽ അവർക്കും ഉപയോഗിക്കാം. ഞാൻ അവരെ അറിയുകയില്ല. അപ്പോൾകംപ്ലീറ്റ പ്രൊഹിബിഷൻ അല്ല. ആവശ്യമുള്ളവർക്കു ലൈസൻസ്സു കൊടുക്കും. ആ നിലക്കു ഞാൻ പറയുന്നതു വലിയ ഒരു സംഖ്യ ഫീസ്സു ചുമത്തി ലൈസൻസ്സു വെച്ചാൽ തരക്കേടില്ല എന്നാണു്. ഗവമ്മെണ്ടിനു പണത്തിന്റെ ക്ഷാമവും തീരും. ആവശ്യക്കാർക്കു കടിക്കുകയും ചെയ്യാം. അപ്പോൾ പണമുള്ളവർ മാത്രമേ കടിക്കുകയുള്ളു. പണക്കാരെ ഉപദ്രവിക്കണമെന്നല്ലേ ഗവമ്മെണ്ടിന്റെ തീരുമാനം? അതു സാധിക്കയും ചെയ്യാം. ലൈസൻസ്സിനു മുപ്പതുറുപ്പികയൊ മറ്റൊ വെച്ചാൽ ഗവമ്മെണ്ടിനു് ഇപ്പോൾ കിട്ടുന്നതിൽ രണ്ടുമൂന്നിരട്ടി പണവും കിട്ടും. ഏതാനും സാധുക്കളായിട്ടുള്ള ആളുകൾക്കു കടിക്കുവാനും സാധിക്കയില്ല.

പ്രൊഹിബിഷൻകൊണ്ടു് ഒരു ഉപദ്രവം വരും. ഇപ്പോൾ ചെത്താമെന്നു കാത്തിരിക്കുന്ന തൊഴിലാളികൾക്കു നേരിട്ട വിഷമം അന്തിക്കാട്ടെ സംഭവം തെളിയിച്ചുകഴിഞ്ഞു. ഇനി അവർക്കു തൊഴിലുംകൂടി ഇല്ലാതായാൽ വരാവുന്ന ബുദ്ധിമുട്ടുകളെന്തൊക്കെയാണു്. അങ്ങിനെയുള്ള തൊഴിലാളികൾക്കു തൊഴിലുണ്ടാക്കികൊടുക്കുന്നതിനു് ഒരു പ്രൊവിഷനും ഈ ബില്ലിൽ ഇല്ല. അവർക്കു തൊഴിലുണ്ടാക്കികൊടുക്കുവാൻ ചക്കര ചെത്താമെന്നു വെച്ചാൽ അതിനും കള്ള കച്ചവടമെന്നേ അർത്ഥമുള്ളു. അവർ ചെത്തുന്നതു ചക്കരക്കായിരിക്കയില്ല. അതുകൊണ്ടു് അതിനു ഒരു വഴികൂടി കാണണം. നേരത്തെ തുടങ്ങീട്ടു പരാജയപ്പെട്ടതുപോലെ ഇനിയെങ്കിലും ഇതു പരാജയപ്പെടാതെ സൂക്ഷിച്ചു നമുക്കു നല്ല പേരുണ്ടാക്കുമെന്ന വിശ്വാസത്തോടുകൂടി ഞാൻ ഈ ബില്ലിനെ സപ്പോർട്ടു ചെയ്യുന്നു.

റാവുബഹദൂർ ടി. കെ. നായർ: സർ, ഈ ബില്ലിനെപ്പറ്റി അധികം മെമ്പർമാരും എതിർക്കാതെ അനുകൂലിച്ചുകാണുന്നതിൽ ഞാൻ വളരെ സന്തോഷിക്കുന്നു. ഈ ബില്ലിന്റെ ആവശ്യകതയെപ്പറ്റിയും ഇതിന്റെ നാനാവശങ്ങളെപ്പറ്റിയും വളരെ വിശദമായി ഒരു അതോറിറ്റേറ്റീവായിട്ടുള്ള അഭിപ്രായം ഈ നിയമസഭക്കു തന്നതിനു് എന്റെ മാന്യ സ്നേഹിതൻ മിസ്റ്റർ റാവുവിനോടു ഞാൻ നന്ദി പറഞ്ഞുകൊള്ളുന്നു. ഒരു ഭാഗത്തുനിന്നു ഇതിനെ ഒരു വിനോദവിഷയമായി കരുതി വെറും എതിർപ്പിനു വേണ്ടി എതിർത്തവരും ഇതോടൊപ്പംതന്നെ, ഫ മണിക്കൂറിനുള്ളിൽ ഇതു കൊച്ചീരാജ്യം മുഴുവൻ നടപ്പിൽ വരുത്തണമെന്നു വേറൊരുഭാഗത്തുനിന്നും വാദിക്കുന്നവരും ഗവമ്മെണ്ടു് ഇനു പ്രവേശിക്കുവാൻ പോകുന്ന ഈ വിഷയത്തിന്റെ യഥാർത്ഥഗൌരവം മനസ്സിലാക്കാതെയാണു പറഞ്ഞതെന്നു പ്രസ്താവിക്കുന്നതിൽ അവർ എന്നോടു പരിഭവിക്കയില്ലെന്നു ഞാൻ വിശ്വസിക്കുന്നു. മദ്യനിരോധനംകൊണ്ടു് എന്തു ഗുണം വരുത്തുവാൻ ഗവമ്മെണ്ടു് ഉദ്ദേശിക്കുന്നുവോ ആയവക ഗുണങ്ങളൊന്നും അനുഭവിക്കേണ്ടവരായ ആൾക്കാർ ഈ നിയമസഭയിൽ ഉണ്ടെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. ഈ നിയമസഭയിൽ ഉള്ളവർ അധികവും എന്റെ മാന്യസ്നേഹിതൻ മിസ്റ്റർ നമ്പൂതിരി പറഞ്ഞതുപോലെ ദിവസം മദ്യപാനം ചെയ്യുന്നതിനു ഫ ൦ ൦ക. ലൈസൻസ്സുഫീസ്സു വെച്ചാലും ആ ലൈസൻസ്സുഫീസ്സു കൊടുത്തു മദ്യം ഉപയോഗിക്കുവാൻ തുണിയുള്ള ആൾക്കാരാണെന്നു ഞാൻ വിശ്വസിക്കുന്നില്ല. നേരെമറിച്ചു് ഒരു ദിവസം കാലത്തുതൊട്ടു വൈകുന്നേരംവരെ വേലചെയ്തു് ഒരു രൂപായൊ ഒന്നര രൂപായൊ കൂലി കിട്ടിയാൽ ഒരു ഭാര്യയും നാലഞ്ചു കുട്ടികളും ഉള്ള തന്റെ കുടുംബത്തിലേക്കു കള്ളുഷാപ്പിൽ കയറി കുടിച്ചുതിനു ശേഷം മുക്കാലെഅരക്കാലും സ്വബോധമില്ലാതെ രാത്രി ഒമ്പതു മണിയോടുകൂടി ഒരണയൊ രണ്ടണയൊ മാത്രം ബാക്കിയാക്കിവെച്ചുകൊണ്ടു കയറിച്ചെല്ലുന്ന ആളുടെ കഥയാണു ഞാൻ ഓർക്കുന്നതു്. ഈവിധത്തിലുള്ള ആൾക്കാരെ ഇതിൽനിന്നു രക്ഷപ്പെടുത്ത

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ണമെന്നതാണ് ഇതിന്റെ പ്രധാനഉദ്ദേശം. ആ സംഗതി തീരെ വിസ്മരിച്ച് ഒരു കളിയാക്കി വിചാരിച്ചിരിക്കുന്നതു കഷ്ടമാണ്.

മിസ്റ്റർ എം. ഒ. തോമക്കുട്ടി: ഇതു് ആരോഗ്യമന്ത്രിയുടെ കീഴിലാണല്ലൊ ഉള്ളതു്. ഇതു് ഉപയോഗിക്കുന്നതുകൊണ്ടു് ആരോഗ്യത്തിനു വല്ല ഹാനിയുമുണ്ടൊ, ആരോഗ്യത്തിനു പറ്റിയതല്ലെ ?

റാവുബഹദൂർ ടി. കെ. നായർ: അതൊക്കെ വെറും തെറ്റിദ്ധാരണയാണ്. ഞാൻ എന്റെ മാന്യസ്നേഹിതനോടു് ഒന്നു ചോദിച്ചുകൊള്ളട്ടെ. മത്സ്യം കഴിക്കുന്നതു വളരെ നല്ലതാണെന്നു പറയുന്നു. എന്നാൽ മത്സ്യം കഴിക്കാത്തതുകൊണ്ടു ബഹുമാനപ്പെട്ട മെമ്പറുടെ അടുത്തിരിക്കുന്ന മാന്യസ്നേഹിതന്റെ ആരോഗ്യത്തിനു വല്ല കോട്ടവുമുണ്ടൊ എന്നു നോക്കുക. അപ്പോൾ ആരോഗ്യത്തിനു വേണ്ടിയാണു കുടിക്കുന്നതെന്നു പറയുന്നതു ശരിയല്ല. ചെറിയ ഒരു സ്വബോധമില്ലാത്ത ഒരു നില വരുത്തിതീർക്കുവാനാണ് ഇതു കഴിക്കുന്നതെങ്കിൽ അതു വളരെ ശരിയാണു്. മനുഷ്യർക്കു കഷ്ടപ്പാടുകൾ വരുമ്പോൾ അതു് അല്പമൊന്നു മറക്കുവാൻ വേണ്ടി മദ്യപിക്കും. അങ്ങിനെയായിരിക്കും അധികം ആളുകളും കുടിക്കുന്നതെന്നു ഞാൻ വിശ്വസിക്കുന്നു. ലോകത്തിൽ കഴിഞ്ഞുകൂടുവാൻ നിവൃത്തിയില്ലാത്ത ആളുകൾ സല്പുനേരമെങ്കിലും ജീവിതത്തിലെ കഷ്ടപ്പാടുകൾ മറക്കുവാനായിട്ടു മദ്യം കുടിക്കുന്നുണ്ടു് എന്നുള്ളതു പരമാർത്ഥമാണു്. അധികം ആൾക്കാരും ഇങ്ങിനെയാണു്. ഈവക ആൾക്കാരെ രക്ഷപ്പെടുത്തുവാനാണു് ഇങ്ങിനെ ഒരു പ്രതി പലേ രാജ്യങ്ങളിലും നടപ്പാക്കീട്ടുള്ളതു്. അതിനു് ഈ ഗവൺമെണ്ടും ആകുന്നമാതിരി ഒന്നു പരിശ്രമിച്ചുനോക്കാമെന്നു് ആഗ്രഹിക്കുന്നുണ്ടു്. എന്റെ മാന്യസ്നേഹിതൻ മിസ്റ്റർ റാവു പറഞ്ഞതുപോലെ പൊതുജനങ്ങളുടെ സഹായമില്ലാതെ ഈ കായ്യം ഒരിക്കലും നടത്തിക്കൊണ്ടുപോകുവാൻ സാധിക്കയില്ലെന്നു് എനിക്കറിഞ്ഞുണ്ടു്. ഞാൻ ഇന്നു് ഇവിടെ നില്ക്കുന്നതു വളരെ പരിഭ്രമത്തോടുകൂടിയാണു് എന്നു് നിങ്ങളോടു തുറന്നുപറയുവാൻ എനിക്കു സങ്കോചമില്ല. മിസ്റ്റർ നമ്പൂതിരി പറയുകയുണ്ടായി നെന്മാറയിൽ മുമ്പൊരവസരത്തിൽ നടത്തിയതു പരാജയപ്പെട്ടുപോയി എന്നു്. അന്നത്തെ ഗവൺമെണ്ടിനു് ഈ മനസ്ഥിതിയില്ലാതിരുന്നതിനെയല്ല അതു സൂചിപ്പിച്ചതു്. അങ്ങിനെയാണെങ്കിലും ശരി അല്ലെങ്കിലുംശരി അതേനിലയിൽ അടുത്തതവണ എനിക്കു നിങ്ങളുടെ മുമ്പിൽ നില്ക്കുവാനുള്ള യോഗം വരാതിരിക്കണമെന്നു് എനിക്കു് ആഗ്രഹമുണ്ടു്. ചിറ്റൂരിൽ ഇതു പരാജയപ്പെട്ടുപോയി എന്നു നിങ്ങളുടെ മുമ്പാകെ പറയാതെ കഴിക്കണമെന്നു് എനിക്കു് ആഗ്രഹമുണ്ടു്. ആ ആഗ്രഹം സാധിക്കണമെന്നുണ്ടെങ്കിൽ പൊതുജനങ്ങളുടെ സഹായം പരിപൂർണ്ണമായിട്ടു് ഇതിനു വേണം. ഇതു ഗവൺമെണ്ടു തന്നെ നടത്തേണ്ട ഒരു കായ്യമല്ല. ഈ ബിൽ പാസ്സാക്കുവാൻ ഗവൺമെണ്ടിനെക്കൊണ്ടു കഴിയും. അവിടത്തെ ഷാപ്പുകൾ ലേലം വിളിക്കാതിരിക്കുവാൻ ഗവൺമെണ്ടിനെക്കൊണ്ടു കഴിയും. പക്ഷെ ഓരോ വീടുകളും ഡിസ്റ്റിലറി ആകാതെ കഴിക്കണമെന്നുണ്ടെങ്കിൽ അതിനു പൊതുജനങ്ങളുടെ സഹായസഹകരണം പരിപൂർണ്ണമായിട്ടു് ആവശ്യമാണു്. അതുകൊണ്ടു ചിറ്റൂർ താലൂക്കിലുള്ള സത്പൌരന്മാരോടും ഈ നിയമസഭവഴി എനിക്കുള്ള അപേക്ഷ അവരുടെ നാട്ടിൽ ഈ മദ്യപാനം ആദ്യം നടപ്പാക്കുവാൻ ഗവൺമെണ്ടു് ഉദ്ദേശിച്ചിട്ടുള്ളതു് പരിപൂർണ്ണമായ വിജയത്തിൽ എത്തിക്കണമെന്നും അങ്ങിനെ അവിടെ പരിപൂർണ്ണമായി വിജയിച്ചു എന്ന ഖ്യാതി ആ നാട്ടുകാർ ഏറെറടുത്തു മറ്റു നാട്ടുകാർക്കു് ഒരു മാതൃകയാക്കിതീർക്കണമെന്നും ആണു്.

ചിറ്റൂർ താലൂക്കു് എന്തിനാണു തിരഞ്ഞെടുത്തതു് എന്നു് ഇവിടെ ചോദിക്കുകയുണ്ടായി. അതിനു പ്രത്യേകകാരണമുണ്ടു്. ഇതു നടപ്പാക്കുന്നതിനു് ഇത്രയും സൌകര്യമായ ഒരു താലൂക്കും വേറെയില്ല. കൊച്ചികണയന്നൂർ താലൂക്കു് എടുക്കാമെന്നു വെച്ചാൽ അതിനടുത്തു കിടക്കുന്ന പ്രദേശം മുഴുവൻ തിരുവിതാംകൂറാണു്. അവിടെയെല്ലാം ഷാപ്പുകളുമുണ്ടു്. നമ്മുടെ ഷാപ്പുകൾ ലേലം വിളിക്കാതെയാക്കാമെന്നല്ലാതെ ഇവിടെ കുടി നിറുത്തുവാൻ സാദ്ധ്യമല്ല.

മിസ്റ്റർ ടി. കെ. എൽ. കുഞ്ഞുവറിയ്യൻ: തുശ്ശിവപേരൂർ ആയാൽ എന്താണു വിരോധം?

റാവുബഹദൂർ ടി. കെ. നായർ: തുശ്ശിവപേരൂരായാൽ തലപ്പിള്ളി താലൂക്കിൽ നാം തന്നെ ഷാപ്പുകൾ ലേലം വിളിച്ചു് അതിനു സൌകര്യം ഉണ്ടാക്കികൊടുക്കുന്നു.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Rao Bahadur T. K. Nayar]

ഒക്ടോബർ എന്നു തിയ്യതി വെക്കുവാൻ കാരണം സെപ്തമ്പറിൽ മദിരാശി ഗവണ്മെണ്ടു പ്രൊഹിബിഷൻ നടപ്പിൽ വരുത്തുന്നുണ്ടു് എന്നുള്ളതാണു്. കോയമ്പത്തൂരിൽ പ്രൊഹിബിഷൻ ആയിക്കഴിഞ്ഞു. മലബാറിൽക്കൂടിയായാൽ ചിറ്റൂർ താലൂക്കിന്റെ ചുറ്റും പ്രൊഹിബിഷനുള്ള സ്ഥലമായിപ്പോകും. അപ്പോൾ അവക്കു പുറത്തു പോയി കുടിക്കുവാൻ സാദ്ധ്യമല്ല. പിന്നെ കുടിക്കണമെങ്കിൽ തുള്ളിവപേത്രരിൽതന്നെ വരണം. ഇങ്ങിനെയുള്ള നാനാവശങ്ങളേയും ആലോചിച്ചുതിന്റെ ശേഷമാണു ചിറ്റൂർ താലൂക്കു തിരഞ്ഞെടുത്തിട്ടുള്ളതു്. ഇതു് അവിടെ പരാജയപ്പെടുന്നപക്ഷം മദ്യവർജ്ജനം നടപ്പാക്കീട്ടുള്ള എല്ലാ സ്ഥലങ്ങളിലും പരാജയപ്പെടുമെന്നു ഞാൻ ആത്മാർത്ഥമായി വിശ്വസിക്കുന്നു. അതു സൌകര്യമുള്ള ഒരു സ്ഥലമാണു നമുക്കു കിട്ടിയിട്ടുള്ളതു്. അതുകൊണ്ടു് എന്റെ മാന്യസ്നേഹിതന്മാരായ എല്ലാ സാമാജികന്മാരും ഈ ബിൽ പാസ്സാക്കിത്തരുന്നതോടൊപ്പംതന്നെ എല്ലാവരും ഈ കാര്യത്തിൽ ഒന്നുമനസ്സുവെച്ചു കൊച്ചിരാജ്യത്തെ പ്രാരംഭമദ്യവർജ്ജനം പരാജയപ്പെടാതെ എന്തുയും നല്ല നിലയിൽ നടക്കുന്നു എന്നു സല്ലേരുണ്ടാക്കുവാനായി എന്നെ സഹായിക്കണം. ഈ ബിൽ വേഗത്തിൽ പാസ്സാക്കിതരുവാൻ ഞാൻ അപേക്ഷിക്കുന്നു. ഈ ബിൽ സെലക്ട് കമ്മിറ്റിക്കു് അയക്കേണ്ടതില്ലെന്നു ഞാൻ പറഞ്ഞതു സമയച്ചുരുക്കംകൊണ്ടാണെന്നു് എന്റെ മാന്യസ്നേഹിതന്മാർ തെറ്റിദ്ധരിച്ചു. മദിരാശി ഗവണ്മെണ്ടു വളരെക്കാലമായി നടപ്പിൽ വരുത്തിയിരിക്കുന്ന ഒരു ബില്ലാണു്. അതുകൊണ്ടു് ഈ ബിൽ സെലക്ട് കമ്മിറ്റിക്കു് അയക്കേണ്ട ആവശ്യമുണ്ടെന്നു തോന്നുന്നില്ല. നേരേമറിച്ചു് ഇതു നടപ്പിൽ വരുത്തീട്ടു വീഴ്ചയുണ്ടെന്നു കണ്ടാൽ അതിനു് ഒരു അമൻഡ്മെന്റു കൊണ്ടുവന്നാൽ ഈ സഭ തീർച്ചയായിട്ടും അതിനു് അനുവാദം തരുന്നതാണു്. ഈ അവസരത്തിൽ ഈ ബിൽ പാസ്സാക്കിത്തരുവാൻ ഞാൻ അപേക്ഷിക്കുന്നു.

Mr. President: The question is that the Cochin Prohibition Bill be read in the Council.

Motion put and carried.

Secretary to the Council: The title of the Bill is the Cochin Prohibition Bill.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I move that this Bill be referred to a Select Committee under the provisions pertaining therefor. The Hon'ble Minister, the sponsor of this Bill said that Madras had been having the benefit of this Act and that it has been worked there properly. For considering the question whether the penalty is to be Rs. 5,000 or Rs. 4,999, the Minister said no Committee is necessary. I am constrained, Sir, to say that he has not been listening to my observation, for reasons best known to him. That was one of the instances on which I could not say too much or too small. Honest differences of opinion I said may exist on the various provisions of the Bill and necessary changes should be made after consideration by a Select Committee. As a result of such honest differences of opinion necessary changes may have to be made in the various clauses of the Bill. I instanced that clause regarding penalties first. Then I referred, Sir, to the question that a person who allows any other person to commit on his premises any one of the offences in section 4, *i.e.*, Clause 1, sub-clauses (*a*) to (*j*), if a person allows any other person to commit offences stated earlier, from (*a*) to (*j*) is hauled up before a Court, it is said, Sir, under Clause 2 the presumption will be drawn against him that he has committed the offence; something which I characterised as putting the cart before the horse or asking the accused to prove his innocence—a most discredited principle of the law. It is the prosecutor who has to prove his case and not the accused to prove his innocence. That is one of the well known principlse of law. Anybody will admit that the prosecutor has to prove his case and not the accused to prove his innocence. The methods of the present Excise Force are so notorious that innocent persons are called up before the Court on the ground that utensils and vessels used for distillation of arrack have been seen in their houses. Some persons may be disposed in a most enemical way to another and they can play any mischief. X or Y can easily put certain utensils used for the distillation purpose in A's compound or B's compound and to presume guilt on seeing these is something. That is one of the so many istances of malpractices indulged by the Excise Force. If such vessels are seen laid in a thirdparty's compound under Clause 2 section 4 he will be presumed to be guilty. This is something too much. Whether the Madras Act has it or not is none of my concern. It may be there or may not be there. Let not the laws of Cochin be so bad as to ask the accused to prove his innocence. That is a point that I said may be looked into by

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the Committee. Another thing that I pointed out, Sir, was that of the powers and duties of the Officers connected therewith. The question whether the powers vested in them are too much or too small is a point that has to be examined. Equally so there is a provision for vexatious prosecutions or vexatious proceedings started by Government Officers and there also the penalties for such vexatious proceedings started by these officers require close scrutiny and very searching enquiry whether the provisions in the Bill are really sufficient or not. All these things require examination by a Committee competent to do it. There is enough time for doing it also.

We have got the instance of a most important Bill like the Income-tax (Amendment) Bill with various new provisions introduced having been sent to a Select Committee. That Committee has reported in the prescribed time and the Select Committee's report has been before the House last evening and we are going to consider that later on. When you have got members who are prepared to spend their time and thought in that fashion sitting at Committee meetings at night after hard day's work, if the Government of the day are not going to avail themselves of that opportunity, woe unto them, is that all I have to say. I thought, Sir, that the Hon'ble Minister will take up a more reasonable attitude. Even if he wants to put this on the Statute Book to work out Prohibition on the 1st of Chingam, there is ample time to have the Bill examined by a Select Committee. We are on the 27th Karkadagam. Could we not do it? Should we not do it and will we not do it? But now here, Sir, you have got time enough i.e., till 1st October 1947 and I may tell you, Sir, that you need not be under the impression that you are going to have your next meeting only in Vrischigam. Sometime in between Vrischigam, the usual period of the 1st Legislative meeting and the proroguing of this Council you are going to have another meeting. Cochinites are advancing. Cochin has responsible Government it is claimed. Cochin has, I understand, joined the Indian Union. Therefore such a Cochin cannot afford to sit idle, cannot afford to rush their bills, cannot afford also to have bills passed without being examined by a competent committee. Those days are gone. The re-actions of such rushing of Bills are here in evidence in ample measure. And one observation of my Hon'ble friend the Minister in charge of the Bill makes me really feel sorry. He said, Sir, if really there are defects in this Bill, here is this Council to make amendments later. Is this a very laudable thing, Sir, to pass a Bill to day on the 27th Karkadagam and to come forward before this House with an amending Bill in the next session as has been done in the case of the Verumpattomdar's Bill. Does it not speak very badly of the set up you contemplate for doing such things. It is high time to stop these things and a Bill once passed must stand for some time, an appreciable time, and for that you must see that at the passing you exercise your mind and do all that is necessary to make it perfect as far as possible. Although nothing under the sun is perfect, still we say something is perfect or at least almost perfect. In that sense, I wish, Sir, that your attempt must be to achieve perfection in the limited meaning of the term and not to have some slipshod things and then get it corrected later on as exigencies arise.

I am sorry, Sir, that my suggestion made earlier has not been accepted, but it is my right as a Member of this House as provided in rules to move that this most important Bill which has to be examined by a competent Committee be referred to a Select Committee if there is anybody to second it.

Rao Bahadur T. K. Nayar *(Minister for Public Health):* I have already explained that this Bill is a copy of the Madras bill. I therefore oppose it. I, request that the matter may be put to vote.

Mr. M. K. Raja *(Mulakunnathukavu):* It has not been seconded, Sir.

Mr. President : Is the Motion seconded?

Mr. M. O. Thomakutty *(Commerce and Industry):* I second it.

Mr. President : The question is that the Cochin Prohibition Bill be referred to a Select Committee.

Motion put and lost.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* A Poll, Sir.

Ayes—2

1. Mr. P. Kumaran Ezhuthassan 2. Mr. M. O. Thomakutty

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Noes—22

1. Mrs. T. Francis	2. Rao Bahadur T. S. Narayana Iyer
3. Mr. P. K. Dewer	4. Mr. K. K. Kannan
5. Mr. K. T. Achuthan	6. Mr. M. K. Varghese
7. Mr. P. Narayana Menon	8. Mr. M. K. Raja
9. Mr. M. I. Paul	10. Mr. P. T. Jacob
11. Mr. P. K. Paul	12. Mr. P. Sankara Menon
13. Mr. Puthur Achutha Menon	14. Mr. P. Mani
15. Mr. C. S. Panicker	16. Rao Sahib A. Madhava Prabhu
17. Mr. Paul P. Mampilly	18. Mr. P. Govinda Menon
19. Rao Bahadur T. K. Nayar	20. Rao Sahib K. Ayyappan
21. Mr. K. A. Raghavan	22. Mr. K. Govinda Menon

Mr. President : 2 for the motion and 22 against the motion and so the motion is lost.

Rao Bahadur T. K. Nayar *(Minister for Public Health):* Sir, I move that S. O. 32 be suspended.

Mr. President : S.O. 32 is suspended.

Rao Bahadur T. K. Nayar *(Minister for Public Health):* Sir, I move that the Cochin Prohibition Bill be taken into consideration.

Mr. P. Govinda Menon *(Minister for Food and Education):* I second it.

Mr. President : The question is that the Cochin Prohibition Bill be taken into consideration.

Motion put and carried

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I like to know whether the idea is to put the clauses in an omnibus fashion or take clause after clause because I have to move certain amendments on certain clauses, and oppose certain clauses in the Bill. That is my right, Sir. I did not send up written amendments, Sir, because I was not sure whether the Hon'ble Chair would be pleased to suspend S.O. 32. Now I understand that S.O. 32 is suspended. I am on my rights to move amendments or to oppose. So the Clauses may be moved one after another.

Mr. President : Is it in order?

Mr. P. Govinda Menon *(Minister for Food and Education):* No amendment has been sent by any Hon'ble member to any clause and no verbal amendments as and when clauses are put are usually allowed because it is the duty of any Hon'ble Member who wanted any amendments, to send the amendments in proper time.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I submit, Sir, that there was a big "If" in that. If the Chair is pleased to suspend Standing Order No. 32 the motion will be made that it be considered, but for this big if I would have sent up my amendments.

Mr. President : Order, Order, I understand the Hon'ble Member. According to the Agenda, the Hon'ble Members must understand that there was an eventuality of Standing Order No. 32 being suspended and expecting that eventuality, it was the duty of the Hon'ble Members, who wanted to send the amendments to have sent them in proper time or at least within a reasonable time, before the Bill was taken up.

Mr P. Kumaran Ezhuthassan *(Vadakkancheri) :* Therefore, Sir, what is the up shot? Whether this Bill is going to be taken chapter after chapter or section after section or put as a whole.

Mr. President : There is no point on this. The point of order was whether your amendments will be accepted. That has been decided.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I inquire whether the Chair is going to put clause after clause or chapter after chapter of the Bill. I pray that it may be put clause after clause so that it may be properly dealt with.

Mr. President : The provision in the Standing Order 41 says "to submit the Bill or any part of the Bill to the Council clause by clause".

Mr. P. Govinda Menon *(Minister for Food and Education):* The usual practice, Sir, in such cases is this, as I find it here. If out of several clauses occurring in a Bill, there are

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amendments to one or more clauses those clauses are put separately; and with respect to others, the presumption being that there are no amendments. They are put together.

Mr. President : Suppose a Clause is opposed, what will be the possition?

Mr. P. Govinda Menon *(Minister for Food and Education) :* In such cases, it is open to any member to say that such and such Clauses be omitted.

Mr. President : When we put several Clauses together, suppose an Hon'ble Member opposes a particular Clause ?

Mr. P. Govinda Menon *(Minister for Food and Education):* He ought to have sent an amendment to the Bill. That certain Clauses may be deleted is an amendment to the Bill. The Bill as a whole is before the House and if a certain Member wants a certain Clause to be deleted it is still an amendment to the Bill. There is no such amendment to the Bill.

Mr. President : But, does it not give a Member the right to oppose a certain Clause?

Rao Bahadur T. K. Nayar *(Minister for Public Health) :* Yes, that right can be exercised only through an amendment.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I wish to explain my position. It is news to me Sir that the opposition that a Clause be deleted can be moved only through a written notice to the effect that it is to be deleted. It is my right, Sir the right of every member to say that this Bill as a whole cannot be accepted. Any particular Clause thereto have not been accepted and for that Clause after Clause has to be put. Of course if this is the work of Democracy, let the Democracy prevail.

Mr. President : Order, order.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am on my legs, Sir. And I refuse to give way.

Mr. President : The Hon'ble Member will resume his seat.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* No Sir. There is the rule that two persons cannot stand up in the House. I only point out to the Chair that the person who interfered with me *i.e.*, the Minister for Food and Education may be asked to sit down.

Mr. President : Order, order.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I submit, Sir, that my position is quite clear. The proposition enunciated by the Hon'ble Minister that I should have placed a written amendment showing that such clauses should not find a place in the Bill is a proposition which is fallacious on the very face for the simple reason that any bill as a whole, and chapter as a whole, any particular section, as a whole, any particular sub-section of a main section can be opposed without notice by saying that I oppose it, and stating the reasons for such opposition. That is perfectly the right of every member of a Legislature, Sir. Therefore, I submit, Sir, to facilitate that or at least to see that right is not torpedoed I submit, Sir that every clause has to be put clause after clause. This sort of objection has never been raised in this House.

Mr. President ; Yes, I understant the point.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I am really glad that I have been able to make myself understood.

Mr. President : The Standing Order relating to this matter says "Notwithstanding anything in the foregoing orders, it shall be in the discretion of the President when a motion that a Bill be taken into consideration has been carried, to submit the Bill or any part of the Bill, to the Council, clause by clause". There is the remedy for the situation. If the Hon'ble Member will mention the particular clause, which he wants to oppose, the President can put it separately and all the others can go together.

Mr. P. Govinda Menon (*Minister for Food and Education*) : Sir, not only that. The matter is entirely in the discretion of the Chair. I would refer to page 38 of the Manual which reads—"Notwithstanding anything in the foregoing orders, it shall be in the descretion of the President when a motion that a Bill be taken into consideration has been carried, to submit the Bill or any part of the Bill to the Council clause by clause" ; and in exercising that discretion the Hon'ble President had been following the discussions of this House and it is entirely

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[Mr. P. Govinda Menon]

within your discretion, having seen what has happened here, either to put the Bill as a whole for being voted upon, or if you think Sir, that the interests of proper legislation require, that they may be put clause by clause you may do it. That is entirely within your discretion and that discretion is finally vested in the President, so that there may not be any abuse of any of the provisions laid down in the Manual. (Hear, hear).

Mr. President: I take the view, that it will be in order to put all the clauses from clause 2 to 58 as a whole to the vote of the House, in as much as there are no amendments. That is the procedure I am adopting. The question is.....

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Let me not take part in this process Sir.

(The member walked out of the Hall)

Mr. President : The question is that clauses 2 to 58 stand part of the Bill.

Motion put and carried

The question is that clause I, the title and preamble of the Bill, stand part of the Bill.

Motion put and carried

The question is that the Schedule attached to the Bill stands part of the Bill.

Motion put and carried

Rao Bahadur T. K. Nayar *(Minister for Public Health)* : Sir, I move that the Cochin Prohibition Bill be taken up and finally passed tomorrow.

Mr. P. Govinda Menon *(Minister for Food and Education)* : I second it.

Mr. President : The question is that the Cochin Prohibition Bill be taken up and finally passed tomorrow i.e. Wednesday, the 13th August.

Motion put and carried

(2) The Cochin Registration of Births and Deaths Act (Amendment) Bill

Rao Bahadur T. K. Nayar *(Minister for Public Health)* : Sir, I move that the Cochin Registration of Births & Deaths Act (Amendment) Bill be read in the Council.

Mr. P. Govinda Menon *(Minister for Food and Education)*: I second it.

Mr. President : The question is that the Cochin Registration of Births and Deaths Act (Amendment) Bill be read in the Council.

Motion put and carried

Secretary to the Council : The title of the Bill is the Cochin Registration of Births and Deaths Act (Amendment) Bill.

Rao Bahadur T. K. Nair *(Minister for Public Health)*: I move that Standing Order 32 may be suspended.

Mr. President : Standing Order No. 32 is suspended.

Rao Bahadur T. K. Nayar *(Minister for Public Health)*: I move that the Cochin Registration of Births and Deaths Act (Amendment) Bill be taken into consideration.

Mr. P. Govinda Menon *(Minister for Food and Education)* : I second it.

Mr. President : The question is that the Cochin Registration of Births and Deaths Act (Amendment) Bill be taken into consideration.

Motion put and carried

The question is that Clauses 2 to 8 of the Bill stand part of the Bill.

Motion put and carried

The question is that Clause 1, title and Preamble of the Bill stand part of the Bill.

Motion put and carried

Rao Bahadur T. K. Nayar *(Minister for Public Health)*: Sir, I move that the Cochin Registration of Births and Deaths Act (Amendment) Bill be taken up and finally passed tomorrow, Wednesday, 13th August 1947.

Mr. P. Govinda Menon *(Minister for Food and Education)*: I second it.

Mr. President : The question is that the Cochin Registration of Births and Deaths Act (Amendment) Bill be taken up and finally passed tomorrow, Wednesday, the 13th August, 1947.

Motion put and carried

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APPENDIX VI

A bill to introduce and extend the prohibition of the manufacture, sale and consumption of intoxicating liquors and drugs in Cochin State

WHEREAS it is expedient as early as possible to bring about the prohibition, except for medicinal, scientific, industrial or such like purposes, of the production, manufacture, possession, export, import, transport, purchase, sale and consumption of intoxicating liquors and drugs in Cochin State;

AND WHEREAS it is desirable to give effect to the above-mentioned policy by introducing it in certain selected areas in the State and utilizing the experience gained therein for extending it to the other areas thereof;

IT is hereby enacted as follows:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—(1) This Act may be called the Cochin Prohibition Act, of 112 .

(2) It extends to the whole of Cochin State.

(3) (*a*) This section and section 3 shall come into force in the whole of Cochin State at once.

(*b*) The rest of this Act shall come into force in such local areas and on such dates as Government may, by notification in the Cochin Government Gazette appoint.

2. *Repeals.*—From the date on which the provisions of this Act other than sections 1 and 3 come into force in any local area, the enactments mentioned in the schedule shall cease to be in force in such area to the extent specified in the fourth column thereof:

Provided that Government may, by notification in the Cochin Government Gazette declare that the provisions of this Act other than sections 1 and 3 shall cease to be in force in any local area on such dates as may be specified in the notification and thereupon the enactments mentioned in the schedule with any subsequent statutory modifications thereof shall revive and come into force in such area with effect on and from such date.

3. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context.—

(1) "bottle" means to transfer liquor from a cask or other vessel to a bottle, jar, flask or pot or similar receptacle for the purpose of sale whether any process of manufacture be employed or not and includes rebottling;

(2) "buy" or "buying" includes any receipt including gift;

(3) "Commissioner" means the officer appointed under clause (*a*) of section 26;

(4) "cultivation" includes the tending or protecting of a plant during growth and does not neccessarily imply raising it from seed;

(5) "export" means—

(*a*) to take out of any local area to which this Act applies to any other local area in Cochin State to which this Act has not been extended, or

(*b*) to take out of Cochin State otherwise than across a customs frontier or excise outpost;

(6) "import" means—

(*a*) to bring into any local area to which this Act applies from any other local area in Cochin State to which this Act has not been extended, or

(*b*) to bring into Cochin State otherwise than across a customs frontier or excise outpost;

(7) "intoxicating drug" means—

(*i*) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (*Cannabis sativa L*) including all forms known as *bhang*, *siddhi*, or *ganja*;

(*ii*) *charas*, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport;

(*iii*) any mixture, with or without neutral materials of any of the above forms of intoxicating drug, or any drink prepared therefrom; and

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(*iv*) any other intoxicating or narcotic substance which Government may, by notification, in the Cochin Government Gazette declare to be an intoxicating drug, such substance not being opium, coca leaf, or a manufactured drug, as defined in section 2 of the Cochin Dangerous Drugs Act, XLIX of 1112 ;

(8) "liquor" includes toddy, spirits of wine, methylated spirits, spirits, wine, beer and all liquid consisting of or containing alcohol ;

(9) "local body" means any municipality constituted under the Cochin Municipal Act, XVIII of 1113 or any panchayat constituted under the Panchayats Act, XX of 1120.

(10) "manufacture" includes every process, whether natural or artificial, by which any fermented, spirituous, or intoxicating liquor or intoxicating drug is produced, prepared or blended, and also re-distillation and every process for the rectification of liquor ;

(11) "place" includes also a house, shed enclosure, building, shop, tent and vessel ;

(12) "police station" includes any place which Government may, by notification, in the Cochin Government Gazette declare to be a police station for the purposes of this Act ;

(13) "Prohibition Officer" means the Commissioner, or any officer or other person lawfully appointed or invested with powers under section 26 ;

(14) "rectification" includes every process whereby spirits are purified or are coloured or flavoured by mixing any material therewith ;

(15) "sale", or "selling" includes any transefer including gift ;

(16) "spirits" means any lequor containing alcohol and obtained by distillation (whether it is denatured or not) ;

Explanation.— "denatured" means subjected to a process prescribed by Government by notification in the Cochin Government Gazette for the purpose of rendering unfit for human consumption ;

(17) "sweet toddy" means juice drawn into recepacles treated so as to prevent any fermentation ;

(18) "toddy" means the fermented or unfermented juice drawn from a cocoanut, palmyra, date or any other kind of palm tree ;

(19) "transport" means to move from one place to another within any local area to which this Act applies ; and

(20) any references to a permit generally or to a permit granted under sections 19, 20 or 21 shall be construed as including a reference to an 'Authority' issued under section 17.

CHAPTER II

Prohibitions and penalties

4. *Prohibition of the manufacture of, traffic in, and consumption of, liquors and intoxicating drugs.*— (1) Whoever,

(*a*) imports, exports, transports or possesses liquor or any intoxicating drug ; or

(*b*) manufactures liquor or any intoxicating drug ; or

(*c*) except in accordance with the rules made by Government in that behalf, cultivates the hemp plant (*cannabis sativa*); or collects any portion of such plant from which an intoxicating drug can be manufactured ; or

(*d*) taps any toddy-producing tree or permits or suffers to be tapped any toddy producing tree belonging to him or in his possession; or

(*e*) draws toddy from any tree or permits or suffers toddy to be drawn from any tree belonging to him or in his possession; or

(*f*) consructs or works any distillery or brewery; or

(*g*) uses, keeps or has in his possession any matterials, still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug; or

(*h*) bottles any liquor for purposes of sale; or

(*i*) sells liquor or any intoxicating drug; or

(*j*) consumes or buys liquor or any intoxicating drug; or

(*k*) allows any of the acts aforesaid upon premises in his immediate possession shall be punished—

(*i*) in the case of an offence falling under clause (*b*), clause (*f*), clause (*g*), clause (*h*) or

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clause (*i*), or an offence falling under clause (*k*) in so far as it relates to an act specified in any of the clauses aforesaid, with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both; and

(*ii*) in any other case with imprisonment which may extend to six months or with fine which may extend to one thousand rupees, or with both:

Provided that nothing contained in this sub-section shall apply to any act done under, and in accordance with, the provisions of this Act or the tems of any rule, notification, order, licence or permit issued thereunder.

(2) It shall be presumed until the contrary is shown—

(*a*) that a person accused of any offence under clauses (*a*) to (*j*) of sub-section (1) has committed such offence in respect of any liquor or intoxicating drug or any still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any itoxicating drug or any such materials as are ordinarily used in the tapping of toddy or the manufacture of liquor or any intoxicating drug, for the possession of which he is unable to account satisfactorily, and

(*b*) that a person accused of any offence under clause (*k*) of sub-section (1) has committed such offence if an offence is proved to have been committed in premises in his immediate possession in respect of any liquor or intoxicating drug or any still, utensil,, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug, or any such materials as are ordinarly used in the tapping of toddy or the manufacture of liquor or any intoxicating drug.

5. *Punishment for rendering or attempting to render denatured spirits fit for human consumption.*—Whoever renders or attempts to render fit for human consumption any spirit, whether manufactured in Cochin State or not, which has been denatured or has, in his possession any spirit in respect of which he knows or has reason to believe that any such attempt has been made shall be punished with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both.

For the purpose of this section it shall be presumed, until the contrary is proved that any spirit which is proved on chemical analysis to contain any quantity of any of the prescribed denaturants is or contains or has been derived from denatured spirit.

6. *Prohibition of advertisements.*—Whoever prints or publishes in any newspaper, book, leaflet, booklet or any other single or periodical publication or otherwise displays or distributes any advertisement or other matter commending, soliciting the use of, or offering any liquor or intoxicating drug other than lipuor or drugs exempted under section 16, shall be punished with fine which may extend to one thousand rupees:

Provided that this section shall not apply—

(*a*) to plain catalogues and price lists which may be generally or specially approved by the Commissioner; or

(*b*) to advertisements in medical journals, or to notices and literature circulated exclue sively to members of the medical profession, if such advertisements, notices or literature relat- to any liquor or intoxicating drug which has been specially approved as of medicinal value—

(*i*) by any Medical Council which has been established under any law for the time being in force in any Province in British India or in any Indian State, or which has been recognized by Government of such Province or State; or

(*ii*) by such authority in respect of Indian Medicine as may be notified by Government; or

(*c*) to the normal circulation within Cochin State of newspapers, periodicals and books printed and published in accordance with law outside Cochin State; or

(*d*) to any advertisement contained in a newspaper printed and published in Cochin State before such date as may be notified by Government in this behalf.

7. *Punishment for conspiracy.*—When two or more persons agree—

(*a*) to commit or cause to be committed any offence under sub-section (1) of section 4 or under section 5, or

(*b*) to evade or nullify the provisions of this Act in any area where it is in force,

each of such persons shall notwithstanding that no act except the agreement was done by any of the parties thereto in pursuance thereof or that the agreement was made or the operations thereunder took place in an area to which this Act has not been extended, be punished with imprisonment which may extend to three years or with fine which may extend to five thousand rupees or with both.

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8. *Punishment for vexatious search or arrest.*—Any officer or person excercising powers under this Act, who—

(*a*) without reasonable ground of suspicion enters or searches or causes to be searched, any closed place; or

(*b*) vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for anything liable to confiscation under this Act; or

(*c*) vaxatiously and unnecessarily detains, searches or arrests any person; or

(*d*) maliciously and falsely lays information leading to a search, seizure, detention or arrest, or

(*e*) in any other way maliciously exceeds his lawful powers,

shall be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

9. *Punishment for vexatious delay.*—Any officer or person exercising powers under this Act, who vexatiously and unnecessarily delays forwarding to a Prohibition Officer or to the officer in charge of the nearest police station as required by section 39, any person arrested or any article seized under this Act, shall be punished with fine which may extend to two hundred rupees.

10. *Punishment for abetment of escape of persons arrested, etc.*—Any officer or person exercising powers under this Act who—

(*a*) unlawfully releases or abets the escape of any person arrested under this Act, or abets the commission of any offence against this Act, or

(*b*) acts in any manner inconsistent with his duty for the purpose of enabling any person to do anything whereby any of the provisions of this Act may be evaded or broken, and

any other officer of Government or of a local body who abets the commission of any offence against this Act,

shall be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

11. *Punishment for offences not otherwise provided for.*—Whoever is guilty of any wilful act or intentional omission in contravention of any of the provisions of this Act, or of any rule, notification or order made thereunder and not otherwise provided for in this Act, shall be punished with fine which may extend to two hundred rupees.

12. *Punishment for abetment of offence against Act in area to which Act is not extended.*—Where any offence against this Act is committed in any area to which it has been extended; whoever commits, or attempts to commit, or abets the commission of, any of the acts making up the offence shall be liable to be punised therefor, whether such commission, attempt or abetment takes place within or outside such area.

13. *Things liable to confiscation.*—In any case in which an offence has been committed against this Act, the liquor, drug, materials, still, utensil, impliment or apparatus in respect or by means of which the offence has been committed shall be liable to confiscation along with the receptacles, packages, coverings, animals, vessels, carts or other vehicles used to hold or carry the same.

14. *Confiscation how ordered.*—(1) When the offender is convicted or when the person charged with an offence against this Act is acquitted, but the Court decides that anything is liable to confiscation, such confiscation may be ordered by the Court.

(2) When an offence against this Act has been committed but the offender is not known, or cannot be found, or when anything liable to confiscation under this Act and not in the possession of any person cannot be satisfactorily accounted for, the case shall be inquired into and determined by the Prohibition Officer in charge of the area or by any other officer authorised by Government in that behalf, who may order such confiscation:

Provided that no such order shall be made until the expiration of fifteen days from the date of seizing the things intended to be confiscated or without hearing the persons, if any, claiming any right thereto, and evidence, if any, which they produce in support of their claims.

15. *Offence under Act to be cognizable.*—All offences under this Act shall be cognizable and the provisions of the Code of Criminal Procedure, II of 1086, with respect to cognizable offences shall apply to them.

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CHAPTER III

Exemptions and Licences

16. *Power to notify exemptions.*—(1) Government may, by notification in the Cochin Government Gazette and subject to such conditions as they think fit, exempt any specified liquor or intoxicating drug or article containing such liquor or drug from the observance of all or any of the provisions of this Act on the ground that such liquor, drug or articles is required for a medicinal, scientific, industrial or such like purpose.

(2) When issuing a notification under sub-section (1), Government shall have power to provide that a breach of any of the conditions subject to which the exemption is notified shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

17. *Authorities for bonafide religious purposes.*—Government shall make suitable provision for issuing "Authorities" to persons and institutions for the possession and use of such liquor as may be required by them for any bonafide religious purpose in accordance with ancient customs, under such terms and conditions, and penalties for infringements, as may be prescribed.

11. *Exemption of bonafide travellers and lawful consignments.*—Until Government by notification in the Cochin Government Gazette otherwise direct, the provisions of this Act shall not be deemed to apply.—

(*a*) to liquor in the possession of bonafide travellers for their own personal use while passing through any local area in which this Act is in force ; or

(*b*) to lawful consignments of liquor or intoxicating drugs carried by a railway administration through or into any such local area.

19. *Licences for bonafide medicinal or other purposes.*—Government or subject to the control of Government, the Commissioner, may issue licences to any person or in respect of any institution whether under the management of Government or not, for the manufacture, export, import, transport, sale or possession of any liquor, intoxicating drug or article containing such liquor or drug, on the ground that such liquor, drug or article is required by such person or in respect of such institution for a bonafide medicinal, scientific, industrial or such like purpose.

20. *Licenses for tapping for sweet toddy, etc.*—Subject to the control of Government the Commissioner or any officer empowered by him may issue—

(*a*) licenses for the tapping of any trees for sweet toddy for consumption thereof without fermentation or for the manufacture of jaggery therefrom; or

(*b*) permits for the possession, transport or sale of such toddy.

21. *Permits and licences.*—Government or any officer empowered by them in this behalf may issue—

(*a*) permits authorising any person to consume and possess for personal consumption any liquor or intoxicating drug ;

(*b*) licences to any institutian to possess liquor and issue it to such of its members as hold permits under clause (*a*), and

(*c*) licences to any person in charge of a restaurant car attached to a railway train to possess liquor and serve to bonafide passengers travel ing by the train.

22. *Form and conditions of licences and permits.*—Every licence or permit granted under section 19, 20 or 21 shall—

(1) be granted on payment of such fees, if any for such period, and subject to such restrictions and limitations and on such conditions ; and

(2) be in such form and contain such particulars as Government may direct either generally or in any particular case.

23. *Counterpart agreement to be executed by licencees.*—Every person taking out any licence or permit under section 19, 20 or 21 may be required to execute a counterpart agreement in conformity with the tenor of his licence or permit, and to give such security for the performance of his agreement as the Commissioner may require.

24. *Power to cancel or suspend licences and permits.*—(1) The Commissioner may cancel or suspend any such licence or permit—

(*a*) if any fee payable by the holder thereof be not duly paid ; or

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(*b*) in the event of any breach by the holder of such licence or permit or by his servants or by anyone acting with his express or implied permission on his behalf, of any of the terms or conditions of such licence or permit ; or

(*c*) if the holder thereof is convicted of any offence against this Act, or of any cognizable and non-bailable offence; or

(*d*) if the conditions of such licence or permit provide for its cancellation or suspension at will; or

(*e*) if the purpose for which the licence or permit is granted ceases to exist.

(2) Government may cancel or suspend any such licence or permit without assigning the aforesaid or any other reasons.

25. *Penalty for breach of the conditions of licences and permits.*—In the event of any breach by the holder of such licence or permit or by his servants or by any one acting with his express or implied permission on his behalf of any of the terms or conditions of such licence or permit, such holder shall, in addition to the cancellation or suspension of the licence or permit granted to him, be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both, unless he shall establish that all due and reasonable precautions were exercised by him to prevent any such breach.

Any person who commits any such breach shall, whether he acts with or without the permission of the holder of the licence or permit, be liable to the same punishment.

CHAPTER IV

Establishment and Control

26. *Appointment of officers and withdrawal of powers.*—Government may, from time to time, by notification in the Cochin Government Gazette.—

(*a*) appoint an officer to exercise all the powers of a Commissioner under this Act in all local areas in which it is in force and to have the control of the administration of the provisions of this Act in such areas;

(*b*) withdraw from the Commissioner any or all of the powers conferred on him by this Act;

(*c*) appoint paid or honorary officers with such designations, powers and duties as Government may think fit;

(*d*) order that all or any of the powers and duties assigned to any person under clause (*c*) shall be exercised and performed by any existing Government official or any other person; and

(*e*) delegate to any Prohibition Officer all or any of their powers under this Act.

27. *Prohibition Committees.*—(1) The Prohibition Officer in charge of a local area may constitute prohibition committees in every taluk thereof to assist him in carrying out the objects of this Act in that area.

(2) Every member of a prohibition committee shall observe the working of this Act in his taluk and report thereon and on every matter connected therewith at the prescribed intervals and at any other time he thinks fit, to the Prohibition Officer aforesaid.

(3) Every member of a prohibition committee shall be entitled to give information at any police station in his taluk regarding the commission or suspected commission of any offence against this Act in such taluk, and the officer in charge of such station shall take action on such information and investigate the case in the manner laid down in the Code of Criminal Procedure, II of 1086.

28. *Power of Government to authorise officers to admit persons arrested to bail.*—Government may, by notification in the Cochin Government Gazette and subject to such conditions, as may be prescribed in such notification, empower all or any of the officers or classes of officers or persons mentioned in section 33 throughout the State or in any local area, to admit a person arrested under that section to bail to appear, when summoned or otherwise directed, before a Police or Prohibition Officer or Magistrate having jurisdiction to inquire into the offence for which such person has been arrested, and may cancel or vary such notification.

CHAPTER V

Powers, Duties, and Procedure of Officers, etc.

29. *Issue of search warrants.*—If any Prohibition Officer or Magistrate upon information obtained and after such inquiry as he thinks necessary; has reason to believe that an offence

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under sub-section (1) of section 4 has been committed, he may issue a warrant for the search for any liquor, intoxicating drug, materials still, utensil, implement or apparatus in respect of which the alleged offence has been committed. Any person who has been entrusted with the execution of such a warrant may detain and search, and if he thinks proper, arrest any person found in the place searched, if he has reason to believe such person to be guilty of any offence under this Act:

Provided that every person arrested under this section shall be admitted to bail by the percent arresting, if sufficient bail be tendered for his appearance either before a Magistrate or before a Police or Prohibition Officer as the case may be.

Before issuing such warrant, the Commissioner, Prohibition Officer or Magistrate shall examine the informant on oath and the examination shall be reduced into writing in a summary manner and be signed by the informant, and also by the Commissioner, Prohibition Officer or Magistrate.

30. *Powers of entry and search without warrant.*— Whenever a Commissioner, any Prohibition Officer not below such rank as Government may determine, any Police Officer not below the rank of sub-inspector, any officer in charge of a police section, or any other paid or honorary officer authorised by Government in this behalf has reason to believe that an offence under sub-section (1) of section 4 has been committed and that the delay occassioned by obtaining a search warrant under section 29 will prevent the execution thereof, he may, after recording his reasons and the grounds of his belief, at any time by day or night enter and search any place and may seize anything found therein which he has reason to believe to be liable to confiscation under this Act; and may detain and search and, if he thinks proper, arrest any person found in such place whom he has reason to believe to be guilty of any offence under this Act:

Provided that every person arrested under this section shall be admitted to bail by such officer as aforesaid if sufficient bail be tendered for his appearance either before a Magistrate or before a Police or Prohibition Officer as the case may be.

31. *Power to enter and inspect places of manufacture and sale.*— Any Prohibition Officer not below such rank as Government may determine, or any Police or other paid or honorary officer authorised by Government in this behalf, may enter and inspect, at any time by day or by night, any place in which it is reasonably suspected that any person draws toddy or carries on the manufacture of any other liquor or any intoxicating drug, or stores any liquor or intoxicating drug; and may enter and inspect, at any time, any place in which any liquor or intoxicating drug is reasonably suspected to be kept for sale by any person; and may examine test, measure or weigh any material, still, utensil implement, apparatus, liquor or intoxicating drug found in such place.

32. *Power to use force in case of resistance to entry.*— If any officer empowered to make an entry under sections 29, 30 or 31 cannot otherwise make such entry, it shall be lawful for him to break open any outer or inner door or window and to remove any other obstacles to his entry into any such place.

33. *Arrest of offenders and seizure of contraband liquor and articles without warrant.*— Any Prohibition Officer, any officer of the Police or Excise Departments, and any other person authorised in that behalf.—

(*a*) may arrest without warrant any person found committing an offence punishable under sub-section (1) of section 4;

(*b*) may seize and detain any liquor, drug or other article which he has reason to believe to be liable to confiscation under this Act; and

(c) may search any person, vessel, vehicle, animal package, receptacle or covering, upon whom, or in or upon which, he may have reasonable cause to suspect any such liquor, drug or other article to be, or to be concealed:

Provided that if the officer or person making the arrest under this section be not empowered under section 28 to admit to bail, the person arrested shall be forthwith forwarded to an officer so empowered, if such an officer is known to be within a distance of five miles from the place where such arrest took place. And it shall be the duty of such officer empowered as aforesaid to admit such person to bail if sufficient bail be tendered for his appearnce before a Police or Prohibition Officer or Magistrate having jurisdiction to inquire into the case.

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34. *Arrest of persons refusing to give name or giving false name.*— Any Person, who may be accused or reasonably suspected of committing an offence against this Act, and who on demand made by any Prohibition Officer or any officer of the Police or Excise departments or by any other person authorised in that behalf refuses to give his name and residence or who gives a name or residence which such officer or person has reason to believe to be false, may be arrested by such officer or person in order that his name and residence may be ascertained.

35. *Searches how to be made.*— All searches under the provisions of this Act shall be made in accordance with the provisions of the Code of Criminal Procedure, II of 1086.

36. *Duty of Officials of all departments and local bodies to assist.*—Officials of all departments of Government and of all local bodies shall be legally bound to assist any Prohibition or Police Officer in carrying out the provisions of this Act.

37. *Offences to be reported etc.*—Every official employed by Government or by any local body, other than a Police or Prohibition Officer, shall be bound to give immediate information at the nearest police station or to a Prohibition Officer, of all breaches of any of the provisions of this Act which may come to his knowledge; and all such officials shall be bound to take all reasonable measures in their power to prevent the commission of any such breaches which, they may know or have reason to believe, are about or likely to be committed.

33. *Land-holders and others to give information.*—All land-holders, proprietors, tenants under-tenants and cultivators who own or hold land or house-property on or in which there shall be any tapping for toddy or manufacture of liquor or intoxicating drugs shall in the absence of reasonable excuse be bound to give notice of the same to a Magistrate or to a Prohibition Officer or to an officer of the Police or Excise departments immediately the same shall have come to their knowledge.

39. (1) *Persons arrested how to be dealt with.*—When any person is arrested under the provisions of section 29, 30, 33 or 34, the person arresting him shall unless bail shall have been accepted under the provisions of section 29, 30 or 33, forthwith forward him to the nearest police station or to a Prohibition Officer, with a report of the circumstances under which such arrest was made.

(2) *Procedure of Police station officer.*—On any such person being brought to a Police station as aforesaid, the officer in charge thereof shall either admit him to bail to appear when summoned, before himself, or before the Prohibition Officer if any, or any Police Officer within the limits of the jurisdiction of which Prohibiton or Police Officer, the offence with which he is charged is suspected to have been committed, or, in default of bail, shall forward him in custody to such officer.

(3) *Procedure of Police or Prohibition Officer empowered to inquire.*—On any such person being brought in custody before a Prohibition or Police Officer as aforesaid or appearing before such officer on bail or when such officer as aforesaid has himself made the arrest such officer shall hold such inquiry as he may think necessary and shall either release such person, or forward him in custody to, or admit him to bail to appear before the Magistrate having jurisdiction to inquire into or try the case:

Provided that if such inquiry is not commenced and completed on the day on which such person is arrested by or is brought or appears before such officer, he shall, if sufficient bail be tendered for the appearance of the person arrested, admit such person to bail to appear on any subsequent day before himself or any other officer having jurisdiction to inquire into the case.

40. *Person arrested to be admitted to bail.*—It shall be the duty of any officer arresting any person under the powers conferred by section 29 or 30 and of any officer in charge of a police station or any Police or Prohibition Officer before whom a person arrested is brought or appears under the provisions of section 39 to release such person on bail if sufficient bail be tendered for his appearance before a Police or Prohibition Officer or before a Magistrate, as the case may be.

41. *Bond of accused and sureties.*—(1) Before any person is released on bail, a bond in such sufficient but not excessive sum of money as the officer admitting him to bail thinks proper shall be executed by such person and by one or more sureties, conditioned that such person shall attend in accordance with the terms of the bond and shall continue to attend until otherwise directed by the Police or Prohibition Officer before whom he was bailed to attend, or by the Magistrate, as the case may be:

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Provided that the officer admitting any such person to bail may in his discretion dispense with the requirement of a surety or sureties to the bond executed by such person.

(2) Government shall from time to time determine the form of the bond to be used in any local area.

42. *Procedure in case of default of person admitted to bail to appear before Prohibition Officer.*—When by reason of default of appearance of a person bailed to appear before a Police or Prohibition Officer, such officer is of opinion that proceedings should be had to compel payment of the penalty or penalties mentioned in the bond of the person bailed or of the surety or sureties, he shall forward the bond to the Magistrate having jurisdiction to inquire into or try the offence of which the person bailed was accused, and the Magistrate shall proceed to enforce the payment of the penalty or penalties in the manner provided by the Code of Criminal Procedure, II of 1086, for the recovery of penalties in the like case of default of appearance by a person bailed to appear before his own Court.

43. *Power of Police or Prohibition Officers to summon witnesses.*—Any Police or Prohibition Officer holding an inquiry in the manner provided in section 39 may summon any person to appear before himself to give evidence on such inquiry or to produce any document relevant thereto which may be in his possession or under his control:

Provided that no such officer shall so summon any person to appear before him if the journey to be made for complying with such summons exceeds ten miles by road or fifty miles by rail or such other limits as Government may fix.

44. *Terms of summons.*—Every summons issued under section 43 shall state whether the person summoned is required to give evidence or to produce a document, or both; and shall require him to appear before the said officer at a stated time and place.

45. *Examination of witnesses.*—Persons so summoned shall attend as required and shall answer all questions relating to such inquiry put to them by such officer. Such answers shall be reduced to writing and shall be signed by such officer.

46. *When attendance of witnesses to be dispensed with, and procedure in such cases.*—It shall be lawful for a Police or Prohibition Officer instead of summoning to appear before him any person who, from sickness or other infirmity, may be unable so to do, or whom by reason of rank or sex, it may not be proper to summon, to proceed to the residence of such person and there to require him to answer such questions as he may consider necessary with respect of such inquiry; and such person shall be bound so to answer accordingly, and the provisions of section 45 shall apply to such answers.

47. *Power of Police or Prohibition Officer to summon suspected persons.*—Any Police or Prohibition Officer may after recording his reasons in writing, summon any person to appear before him whom he has good reason to suspect of having committed an offence under this Act. On such person appearing before such officer, the procedure prescribed by sections 39 to 46 shall become applicable.

The officer may also, if he considers it necessary for the investigation of the case, exercise the powers conferred by sections 43 to 46 before summoning the person suspected.

48. *Law relating to criminal courts as to summoning of witnesses to apply.*—The law for the time being in force as to summonses and compelling the attendance of persons summoned in criminal courts shall, so far as the same may be applicable, apply to any summons issued by a Police or Prohibition Officer and to any person summoned by him to appear under the provisions of this Act.

49. *Report of Police or Prohibition Officer to give jurisdiction to competent Magistrate.*—When a Police or Prohibition Officer forwards in custody any person accused of an offence under this Act to the Magistrate having jurisdiction to inquire into or try the case, or admits any such person to bail to appear before such Magistrate, such officer shall also forward to such Magistrate a report setting forth the name of the accused person and the nature of the offence with which he is charged and the names of the persons who appear to be acquainted with the circumstance of the case, and shall send to such Magistrate any article which it may be necessary to produce before him. Upon receipt of such report the Magistrate shall inquire into such offence and try the person accused thereof in like manner as if complaint had been made before him as prescribed in the Code of Criminal Procedure, II of 1086.

50. *Powers of Police and Prohibition Officers to cause attendance of witnesses before Magistrate.*—When a Police or Prohibition Officer forwards in custody any person assused of an

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offence against this Act to the Magistrate having jurisdiction to inquire into or try the case, or admits him to bail to appear before such Magistrate, such officer shall exercise all the powers conferred by the Code of Criminal Procedure, II of 1086, on an officer in charge of a police station in respect to causing the appearance before such Magistrate of such persons acquainted with the facts and circumstances of the case as he considers it necessary that such Magistrate shall examine as witnesses for the prosecution of such case.

51. *Accused not to be detained in custody for a longer period than twenty-four hours without special authority.*—No person accused or suspected of having committed an offence under this Act shall be detained for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of the special order of a Magistrate, whether having jurisdiction to try the case or not, exceed twenty-four hours, exclusive of the time necessary for the journey of such person to the place where a Police or Prohibition Officer may be and from there to the court having jurisdiction to try the case.

52. *Police to take charge of articles seized.*—All officers in charge of police stations shall take charge of and keep in safe custody pending the orders of a Magistrate or of a Prohibition Officer, all articles seized under this Act which may be delivered to them, and shall allow any Prohibition Officer who may accompany such articles to the police station, or who may be deputed for the purpose by his superior officer, to affix his seal to such articles and to take samples of and from them. All samples so taken shall also be sealed with the seal of the officer in charge of the police station.

53. *Power of District Magistrate to transfer cases.*—The District Magistrate shall have power to transfer any case under this Act pending inquiry or trial before any Magistrate or Officer to any other Magistrate or Officer.

54. *Operation of the Code of Criminal Procedure, II of 1086.*—Nothing contained in this Act shall affect the operation of the Code of Criminal Procedure, II of 1086.

CHAPTER VI

Rules and Notifications

55. *Power to make rules.*—(1)Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, Government may make rules—

(*a*) for the issue of licences and permits and the enforcement of the conditions thereof;

(*b*) prescribing the powers to be exercised and the duties to be performed by paid and honorary Prohibition Officers in furtherance of the objects of the Act;

(*c*) determining the local jurisdiction of Police and Prohibition Officers in regard to inquiries and the exercise of preventive and investigating powers;

(*d*) authorising any officer or person to exercise any power or perform any duty under this Act;

(*e*) prescribing the powers and duties of prohibition committees and the members thereof and the intervals at which the members of such committees shall make their reports;

(*f*) regulating the delegation by the Commissioner or other officers of any powers conferred on them by or under this Act;

(*g*) regulating the cultivation of the hemp plant, the collection of those portion of such plant from which intoxicating drugs can be manufactured and the manufacture of such drugs therefrom;

(*h*) declaring how denatured spirit shall be manufactured;

(*i*) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders, whether original or appellate, passed under this Act or under any rule made thereunder, or by what authorities such orders may be revised, and prescribing the time and manner of presenting appeals, and the procedure for dealing therewith;

(*j*) for the grant of batta to witnesses, and of compensation for loss of time to persons released under sub-section (3) of section 39 on the ground that they have been improperly arrested, and to persons charged before a Magistrate with offences under this Act and acquitted;

(*k*) regulating the power of Police and Prohibition Officers to summon witnesses from a distance under section 43; and

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(*l*) for the disposal of articles confiscated and of the proceeds thereof.

56. *Publication of rules and notifications.*—All rules made and notifications issued under this Act shall be published in the Cochin Government Gazette and upon such publication, shall have effect as if enacted in this Act.

CHAPTER VII

Legal Proceedings

57. *Actions against Government, etc.*—No action shall lie against Government or against any Prohibition, Police or other Officer, for damages in any civil court for any act bonafide done or ordered to be done in pursuance of this Act.

58. *Courts to take judicial notice of appointments.*—All courts shall take judicial notice of all notifications and orders conferring powers, imposing duties and making appointments under this Act.

SCHEDULE

(See section 2)

Year	No.	Short title or subject	Extent of repeal
1	2	3	4
1076	VIII.	The Cochin Opium Act	The whole
1077	I	The Cochin Abkari Act	do.

Statement of Objects and Reasons

It has been decided to introduce prohibition in the Chittur Taluk in the year 1123 as an experimental measure. The Bill is intended to implement this decision and is adapted on the lines of the Madras Prohibition Act. Provision is made in the Bill for bringing the same into force in any local area.

APPENDIX VII

A BILL TO AMEND THE COCHIN REGISTRATION OF BIRTHS AND DEATHS ACT, II OF 1081

Preamble.—Whereas it is expedient further to amend the Cochin Registration of Births and Deaths Act, II of 1081 for certain purposes; It is hereby enacted as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Cochin Registration of Births and Deaths Amendment Act .....of.....

(2) It shall come into force on such date as Government may, by notification in the Cochin Government Gazette, appoint in this behalf.

2. *Amendment of section 3.*—In section 3 of the Cochin Registration of Births and Deaths Act, II of 1081 (hereinafter referred to as the said Act) for the existing definitions, the following definitions shall be substituted.

"(*i*) "District" means any local area which, for purposes of revenue administration is now recognised as a District or which may hereafter be declared by Government to be a district and to which local area this Act or any portion thereof is extended.

(*ii*) "Taluk" means any local area which for purposes of revenue administration is now recognised as a Taluk or which may hereafter be declared by Government to be a Taluk and to which local area this Act or any portion thereof is extended.

(*iii*) "Division" means any local area which for purposes of Public Health administration is now recognised as a Sanitary Division or which may hereafter be declared to be a division and to which local area this Act or any portion thereof is extended.

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